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# Senate

*(Legislative day of Friday, September 22, 2000)*

The Senate met at 9:30 a.m. on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

## PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we accept this new day as Your gracious gift. We enter into its challenges and opportunities with eagerness. We commit our way to You, put our trust in You, and know that You will bring to pass what is best for us and our Nation as we are obedient to Your guidance. We rest in You, Lord, and wait patiently for You to show us the way.

Bless the Senators today with a special measure of Your wisdom, knowledge, and discernment. Your wisdom is greater than our understanding, Your knowledge goes way beyond our comprehension of the facts, and Your discernment gives x-ray penetration to Your plan for America. Thank You for Your Commandments that keep us rooted in what's morally right, Your justice that guides our thinking, and Your righteousness that falls as a plumb line on all that we do and say.

Father, we pray for the reversal of the spiritual and moral drift of our Nation away from You. May the people of our land be able to look to the women and men of this Senate as they exemplify righteousness, repentance, and rectitude. May these leaders and all of us who work as part of the Senate family confess our own need for Your forgiveness and reconciliation. Then help us to be courageous in calling for a great spiritual awakening in America beginning with us. You are our Lord and Saviour. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

## SCHEDULE

Mr. VOINOVICH. Today the Senate will begin 45 minutes of debate on the H–1B visa bill, with a cloture vote on amendment No. 4178 scheduled to occur at 10:15. As a reminder, Senators have until 10:15 a.m. to file second-degree amendments at the desk. If cloture is invoked, the Senate will continue debate on the amendment. If cloture is not invoked, the Senate is expected to resume debate on the motion to proceed to S. 2557, the National Energy Security Act of 2000. Also this week, the Senate is expected to take up any appropriations conference reports available for action.

I thank my colleagues for their attention.

## AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the bill.

The clerk will report the bill.

The bill clerk read as follows:

A bill (S. 2045) to amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens.

Pending:

Lott (for Abraham) amendment No. 4177, in the nature of a substitute.

Lott amendment No. 4178 (to amendment No. 4177), of a perfecting nature.

Lott motion to recommit the bill to the Committee on the Judiciary, with instructions to report back forthwith.

Lott amendment No. 4179 (to the motion to recommit), of a perfecting nature.

Lott amendment No. 4180 (to amendment No. 4179), of a perfecting nature.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Massachusetts.

Mr. KENNEDY. With the understanding of the acting majority leader, if I could have the attention of the Senator from Ohio, I ask that the time be evenly divided.

The PRESIDING OFFICER. That is already the order.

Mr. KENNEDY. I ask consent I be allowed to yield myself 12 minutes, and I ask consent that the Senator from Rhode Island be allowed to follow with 10 minutes.

The PRESIDING OFFICER. The Senator has just allocated more time than the Senator has.

Mr. KENNEDY. As I understand the time allocation, there are 45 minutes. I thought I would yield 12 minutes to myself and 10 minutes to the Senator.

The PRESIDING OFFICER. Twenty-two minutes a side.

Mr. KENNEDY. I ask consent that the Senator from Rhode Island be permitted to be recognized after me in the remaining time, and I yield myself 12 minutes.

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

Mr. KENNEDY. I yield myself 10 minutes at this time, if the clerk will let me know.

Mr. President, I support the pending H–1B high-tech visa legislation. The high technology industry needs skilled workers to ensure its continued growth. As we all know, the Nation is stretched thin to support these firms

that are so important to the Nation's continuing economic growth. Demand for employees with training in computer science, electrical engineering, software and communications is very high, and Congress has a responsibility to meet these needs.

In 1998, in an effort to find a stop-gap solution to this labor shortage, we enacted legislation which increased the number of temporary visas available to skilled foreign workers. Despite the availability of additional visas, we have reached the cap before the end of the year in the last 2 fiscal years.

The legislation before us today addresses this problem in two ways. The short-term solution is to raise the H–1B visa cap and admit greater numbers of foreign workers to fill these jobs. The long-term solution is to do more to provide skills training for American workers and educational opportunities for American students.

Raising the cap for foreign workers without addressing our domestic job training needs would be a serious mistake. We cannot and should not count on foreign sources of labor indefinitely. It is unfair to U.S. workers, and the supply of foreign workers is limited. In their 1999 book, The Supply of Information Technology Workers in the United States, Peter Freeman and William Aspray report that other countries are experiencing their own IT labor shortages and are ''placing pressures on or providing incentives to their indigenous IT work force to stay at home or return home.''

Furthermore, the jobs currently being filled by H–1B workers are solid, middle-class jobs for which well-trained Americans should have the opportunity to compete. The American work force is the best in the world—energetic, determined, and hard working. Given the proper skills and education, American workers can fill the jobs being created by the new high tech businesses.

It makes sense to insist that more of our domestic workers must be recruited into and placed in these jobs. Countless reports cite age and race discrimination as a major problem in the IT industry, along with the hiring of foreign workers and layoff of domestic workers. According to an article Computerworld magazine, U.S. Census Bureau data show that the unemployment rate for IT workers over age 40 is more than five times that of other unemployed workers.

Similar problems face women and minorities who are under-represented in the IT work force, and the shortage will continue unless they are recruited and trained more effectively by schools, corporations, and government programs.

Under the solution that may of us favor, the Department of Labor, in consultation with the Department of Commerce, will provide grants to local work force investment boards in areas with substantial shortages of high-tech workers. Grants will be awarded on a competitive basis for innovative high-tech training proposals developed by the work force boards in cooperation with area employers, unions, and higher education institutions. This approach will provide state-of-the-art high-tech training for approximately 46,000 workers in primarily high-tech, information technology, and biotechnology skills.

Similarly, we must also increase scholarship opportunities for talented minority and low-income students whose families cannot afford today's tuition costs. We must also expand the National Science Foundation's merit-based, competitive grants to programs that emphasize these skills.

To provide adequate training and education opportunities for American workers and students, we must increase the H–1B visa user fee.

At a time when the IT industry is experiencing major growth and record profits, it is clear that even the smallest of businesses can afford to pay a higher fee in order to support needed investments in technology skills and education. A modest increase in the user fee will generate approximately $280 million each year compared to current law, which raises less than one-third of this amount.

This fee is fair. Immigrant families with very modest incomes were able to pay a $1,000 fee to allow family members to obtain green cards. Certainly, high-tech companies can afford to pay at least that amount during this prosperous economy.

In fact, according to public financial information, for the top 20 companies that received the most H–1B workers this year, a $2,000 fee would cost between .002 percent and .5 percent of their net worth. A $1,000 fee would cost them even less.

This fee proposal will clearly benefit the country in the short- and long-term. Companies get H–1B workers now, and they will benefit from the workers and students served by programs funded with these fees.

This proposal presents a win-win, bipartisan approach to meeting the needs and business and the U.S. work force. It is fair, responsible, and necessary, given the rapidly changing needs of society and our prosperous economy.

If we build on existing education and training programs and force our labor and civil rights laws to prevent age, race, and gender discrimination, American workers and students can meet the long-term high-tech needs we face in the years ahead.

I look forward to debate on this legislation in the days to come. I think it is a good bill, which can be improved with amendments to address several key issues. For example, we must ensure that the H–1B visa program is narrowly focused to address the skill-shortage. The unprecedented exemptions to the cap in the Hatch bill are unwarranted. Instead, we should ensure that workers with an advanced degree have priority for H–1B visas within the cap, and are subject to the same requirements as all other applications.

Similarly, we must also ensure that the INS has sufficient funds to process high-tech visa applications and that certain institutions—all educational institutions, university teaching hospitals, nonprofits, and governmental research organizations—are appropriately exempted from the fee requirement.

The high-tech industry's pressing need for skilled workers isn't the only immigration issue before Congress. There are also important family immigration issues that must be addressed.

On several occasions in recent weeks, Democrats have attempted to bring the Latino and Immigrant Fairness Act to the floor of the Senate for debate and a vote. Before the August recess, Democrats attempted to bring this legislation before the Senate, but the Republican leadership objected. Two weeks ago, Democrats were prepared to debate and vote on this legislation as part of the high-tech visa bill, but our Republican colleagues were unwilling to bring this measure to the floor and take a vote. Last Friday, Senator REID asked Senator LOTT for consent to offer the Latino and immigrant fairness bill and the majority leader objected. It is clear that Republican support for the Latino community is all talk and no action. When it's time to pass legislation of importance to the Latino community, the Republican leadership is nowhere to be found.

Our Republican friends tell us that the Latino and Immigrant Fairness Act is a poison pill—that it will undermine the H–1B high-tech visa legislation currently before the Senate. But, if Republicans are truly supportive of the Latino legislative agenda, how can that be true?

If they support the reunification of immigrant families, as well as the immigration agenda set by the high-tech community, we should be able to pass both bills and send them to the President's desk for signature, for he strongly supports this bill. But Republican support for the Latino and Immigrant Fairness Act doesn't match Republican rhetoric on the campaign trail. Rather than admit this hypocrisy, the Senate Republican leadership continues to pay lip service to these goals while blocking any realistic action to achieve them.

The immigrant community—particularly the Latino community—has waited far too long for the fundamental justice that the Latino and Immigrant Fairness Act will provide. These issues are not new to Congress. The immigrants who will benefit from this legislation should have received permanent status from the INS long ago.

The Latino and Immigrant Fairness Act includes parity for Central Americans, Haitians, nationals of the former Soviet bloc, and Liberians. In 1997, Congress enacted the Nicaraguan Adjustment and Central American Relief

Act, which granted permanent residence to Nicaraguans and Cubans who had fled their repressive governments.

Other similarly situated Central Americans, Soviet bloc nationals, and Haitians were only provided an opportunity to apply for green cards under a much more difficult and narrower standard and much more cumbersome procedures. Hondurans and Liberians received nothing.

The Latino and Immigrant Fairness Act will eliminate the disparities for all of these asylum seekers, and give them all the same opportunity that Nicaraguans and Cubans now have. Assurances were given at the time that we granted that kind of special consideration for Nicaraguans and Cubans that the others would follow in the next year. Those assurances were given by Republican Senators and the administration alike. Now, if we do not do that, we are failing that commitment. It will create a fair, uniform set of procedures for all immigrants from this region who have been in this country since 1995.

The Latino and Immigrant Fairness Act will also provide long overdue relief to all immigrants who, because of bureaucratic mistakes, were prevented from receiving green cards many years ago. In 1986, Congress passed the Immigration Reform and Control Act, which included legalization for persons who could demonstrate that they had been present in the United States since before 1982. There was a 1-year period to file.

However, the INS misinterpreted the provisions in the 1986 act, and thousands of otherwise qualified immigrants were denied the opportunity to make timely applications.

Several successful class action lawsuits were filed on behalf of individuals who were harmed by these INS misinterpretations of the law, and the courts required the INS to accept filings for these individuals. As one court decision stated: ''The evidence is clear that the INS' . . . regulations deterred many aliens who would otherwise qualify for legalization from applying.''

To add insult to injury, however, the 1996 immigration law stripped the courts of jurisdiction to review INS decisions, and the Attorney General ruled that the law superceded the court cases. As a result of these actions, this group of immigrants has been in legal limbo, fighting government bureaucracy for over 14 years.

Looking across the landscape, I cannot think of such a group of individuals who were excluded from participation in a process that would have permitted them to work legitimately in the United States. It was the intention of Congress they be eligible to do so. It was the INS that misled them and effectively denied them that opportunity. The courts have found for those individuals.

Then legislation was passed to further exclude them, to take away the jurisdiction of the Justice Department from implementing the court's decision. That is unfair, and we have a responsibility to remedy that. We can do that. We can do that here, on this legislation. We should do it. That process will permit about 300,000 Latinos to be able to get their green cards and become legitimate workers in our economy.

Our bill will alleviate this problem by allowing all individuals who have resided in the United States prior to 1986 to obtain permanent residency, including those who were denied legalization because of the INS misinterpretation, or who were turned away by the INS before applying.

Our bill will also restore section 245(i), a vital provision of the immigration law that was repealed in 1997 and that permitted immigrants about to become permanent residents to pay a fee of $1,000 and apply for green cards while in the United States, rather than returning to their home countries to apply. Section 245(i) was pro-family, pro-business, fiscally prudent, and a matter of common sense. Under it, immigrants with close family members in the United States are able to remain here with their families while applying for legal permanent residence. The section also allows businesses to retain valuable employees. In addition, it provided INS with millions of dollars in annual revenue, at no cost to taxpayers. Restoring section 245(i) will keep thousands of immigrants from being separated from their families and jobs for as long as 10 years.

The Nation's history has long been tainted with periods of anti-immigrant sentiment. The Naturalization Act of 1790 prevented Asian immigrants from attaining citizenship. The Chinese Exclusion Act of 1882 was passed to reduce the number of Chinese laborers. The Asian Exclusion Act and the National Origins Act which made up the Immigration Act of 1924, were passed to block immigration from the ''Asian Pacific Triangle''—Japan, China, the Philippines, Laos, Thailand, Cambodia, Singapore, Korea, Vietnam, Indonesia, Burma, India, Sri Lanka, and Malaysia—and prevent them from entering the United States for permanent residence. Those discriminatory provisions weren't repealed until 1965. The Mexican Farm Labor Supply Program—the Bracero Program—provided Mexican labor to the United States under harsh and unacceptable conditions and wasn't repealed until 1964.

The Latino and Immigrant Fairness Act provides us with an opportunity to end a series of unjust provisions in our current immigration laws, and build on the most noble aspects of our American immigrant tradition.

It restores fairness to the immigrant community and fairness in the Nation's immigration laws. It is good for families and it is good for American business.

The Essential Worker Immigration Coalition, a consortium of businesses and trade associations and other organizations strongly supports the Latino and Immigrant Fairness Act. This coalition includes the U.S. Chamber of Commerce, health care and home care associations, hotel, motel, restaurant and tourism associations, manufacturing and retail concerns, and the construction and transportation industries.

These key industries have added their voices to the broad coalition of business, labor, religious, Latino and other immigrant organizations in support of the Latino and Immigrant Fairness Act.

This bill is strongly supported by a wide range of different groups, from the Chamber of Commerce to the AFL-CIO, to the various religious groups, as a matter of basic, fundamental equity and fairness.

I daresay there are probably more groups that support the Latino fairness—just if you look at numbers—than even the H–1B. This is an issue of fairness. We ought to be about doing it. We are being denied that opportunity by the Republican leadership, make no mistake about it.

Our bill will alleviate the problem also by allowing individuals who resided in the United States prior to 1986 to obtain permanent residency by eliminating unfair procedures.

As I mentioned, this particular proposal has broad support from the business community, from the workers, and from religious groups. Few days remain in this Congress, but my Democratic colleagues and I are committed to doing all we can to see both the Latino and Immigrant Fairness Act and the H–1B high-tech visa become law this year. That is what this whole effort is about.

If we are going to look out for the H–1B—and I am all for it—we ought to also remedy the injustice out there applying to hundreds of thousands of individuals whose principal desire is to be with their families and work here in the United States, and do so legally and legitimately. We are being effectively shut out by the majority decision to have a cloture motion filed which would exclude the possibility of inclusion. Our attempts to try to get it included have been denied. That is basically wrong.

I welcome the leadership of Senator DASCHLE and others to make sure we are going to address this issue before we leave. Both of these matters need attention. Both of them deserve action. Both of them deserve to be passed.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise today to also speak about a grave omission with respect to the debate that is ongoing regarding H–1B visas.

There is widespread support for the H–1B visa program. What has happened is that our ability to also address other compelling immigration issues has

been totally frustrated by this cloture process, by this overt attempt to eliminate amendments, to eliminate our ability to deal with other issues. One in particular that is compelling to me is the status of 10,000 Liberians who have been here in the United States since 1989–1990, when the country of Liberia was thrust into a destructive civil war.

These people came here. They were recognized, because of the violence in their homeland, as being deserving of temporary protective status. That status was granted in 1991 by the Attorney General. For almost a decade now they have been here in the United States, working, paying taxes, raising families while not qualifying for any type of social benefits such as welfare. Many of these people, who are here legally, have children who are American citizens. They are within hours of losing their protection and being deported back to Liberia.

In response to this pressing dilemma, I introduced legislation in March of 1999 cosponsored by Senator WELLSTONE, Senator KENNEDY, Senator DURBIN, Senator KERRY, Senator LANDRIEU, Senator HAGEL, and Senator L. CHAFEE. Our attempt was to allow these Liberians the opportunity to adjust to permanent resident status and one day become citizens of this country. There are 10,000 located across the country. They have been contributing members of these communities. Yet, because of the process we have adopted here, because of the unwillingness to take up this issue—which is a key immigration issue, along with the H–1B—these individuals are perhaps facing expulsion from this country in the next few days.

I hope we can deal with this. It is essential we do so. One of the great ironies of our treatment of the Liberians is that at the moment we are prepared to deport them to Liberia, we are urging American citizens not to go to that country because it is so violent.

Our State Department has released official guidance to Americans warning them not to travel to Liberia because of the instability, because of the potential for violence, because of the inability of civil authorities to protect not only Americans but to protect anyone in Liberia.

So we are at one time saying, don't go to Liberia if you are an American citizen, but unless we pass this legislation or unless, once again, the President authorizes deferral of forced departure—essentially staying the deportation of these Liberians—we are going to send these people back into a country to which we are advising Americans not to go.

Although this country had a democratic election a few years ago, it was an election more in form than substance. It is a country governed by a President who is a warlord, someone who is not a constructive force for peace and progress in that part of Africa. In fact, he started his political career by escaping from a prison in Massachusetts, going back to Liberia, and then organizing his military forces to begin this civil war. One of his first accomplishments, according to the New Republic, was the creation of a small boys unit, a battalion of intensely loyal child soldiers who are fed crack cocaine and refer to Taylor as ''our father.''

This is the leader of a country who has also been implicated in a disturbance in the adjoining country of Sierra Leone. Month after month, we have seen horrible pictures of the degradations that are going on there in Sierra Leone. He is involved in that, supporting homicidal forces in Sierra Leone.

This is not a place we want to send people back to—people who have resided in our country for 10 years, people who have been part of our communities, young people particularly, who know very little about Liberia and will be thrust back into a situation where their protection is in jeopardy and where their future is in great jeopardy in terms of access to schools and education and other necessary programs.

For months now—starting last March—we have been lobbying intensively to get an opportunity at least to vote on legislation that would allow these individuals to adjust to permanent status. That legislative approach has been frustrated time and time again, most recently with the decision that we would not accept certain amendments to this H–1B visa bill.

In fact, one of the ironies is that of those 10,000 Liberians, many of whom were professionals in their homeland, I suspect at least a few of them are working in these high-tech industries. If they are, the irony is that we would be sending them home so that the high-tech community can complain about losing workers and needing more H–1B visas. I think simple justice demands that we do both, that we press not only for H–1B visas but also for some of the issues that have been addressed by Senator KENNEDY, and the issue in Liberia. These people deserve a chance to adjust their status and become full-fledged Americans.

There is some discussion that they should go back to Liberia, but as I have tried to suggest in my remarks, this is a country that is chaotic at best. The Government is really subservient to the leadership of the President, Charles Taylor. It is an area of the world where there are not social services and the basic economics of the country are faulty. I think all of these together suggest compellingly the need to allow the individuals to adjust.

I hope in the next few days, or in the remaining days of this legislative session, we will have another opportunity to address this legislatively. I certainly hope that if we are unable to do so, the cause will be taken up by the administration when it comes to discussions for the final legislative initiatives of this Congress, so we will not leave these people once again in a gray area, in a ''twilight zone,'' where they want to stay in this country but face the threat of deportation each and every year. I hope we do better. I am disappointed—gravely disappointed—we did not allow an opportunity to vote on this measure in conjunction with this H–1B legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise this morning to implore my colleagues to support cloture and to quit playing around with this bill. There is no reason to have a filibuster on the motion to proceed on bills as important as this. There has been a filibuster on the bill.

It seems to me we need to work together in moving forward to enact the American Competitiveness in the Twenty-first Century Act, S. 2045. One of our greatest priorities is, and ought to be, keeping our economy vibrant and expanding educational opportunities for America's children and its workers. That is my priority for this country and for my own home State of Utah.

I am proud of the growth and development in my own home State that has made Utah one of the leaders in the country and in the world in our high-tech economy. Utah's IT—or information technology—vendor industry is among Utah's largest industries and among the top 10 regions of IT activity in the United States.

Notably, Utah was listed among the top 10 IT centers in the world by Newsweek magazine in November 1998. The growth of information technology is nowhere more evident and dramatic than in my own home State of Utah. According to UTAA, the Utah Information Technologies Association, our IT vendor industry grew nearly 9 percent between 1997 and 1998 and consists of 2,427 business enterprises.

In Utah and elsewhere, however, our continued economic growth and our competitive edge in the world economy require an adequate supply of highly skilled high-tech workers. This remains one of our greatest challenges in the 21st century, requiring both short- and long-term solutions. This legislation, S. 2045, contains both types of solutions.

Specifically, a tight labor market, increasing globalization, and a burgeoning economy have combined to increase demand for skilled workers well beyond what was forecast when Congress last addressed the issue of temporary visas for highly skilled workers in 1998. Therefore, my bill, once again, increases the annual cap for the next 3 years.

But that is nothing more than a short-term solution to the workforce needs in my State and across the country. The longer term solution lies with our own children and our own workers and in ensuring that education and training for our current and future workforce matches the demands in our high-tech 21st century global economy.

Thus, working with my colleagues, I have included in this bill strong, effective, and forward-looking provisions directing the more than $100 million in fees generated by the visas toward the education and retraining of our children and our workforce. These provisions are included in the substitute which is before us today.

We are here today, however, as this session of Congress comes to a close, with the fate of this critical legislation extremely uncertain. Frankly, when this bill was reported by the committee by an overwhelming vote of 16–2, I thought we were on track to move this rapidly through the Senate. I offered to sit down with other Members, including Senators KENNEDY, FEINSTEIN, and LIEBERMAN, to work with them on provisions regarding education and training. We have done that. I am pleased to report that the substitute to which I have referred reflects many of their ideas and proposals.

I look forward to working with my colleagues in the coming days to try to avoid a confrontational process. I hope we can get this done for American workers and children and for our continued economic expansion.

The situation, as I understand it, is that there is little disagreement on this bill itself. I have heard no arguments that the high-tech shortage is not real or that we should not move forward with this short-term fix. Rather, it appears that the only dispute has been whether or not we use the bill as a vehicle for other major and far-reaching changes in our immigration policy over which there is much contention and which could scuttle this bill. And I think those who are trying to get us in that posture understand that.

I sincerely hope we can move forward today. I hope my colleagues will overwhelmingly support this modest H–1B increase and quit delaying this bill. Let's get it through. This bill has important training and education proposals for the children and workers in the 21st century.

The Hatch substitute amendment to S. 2045, the American Competitiveness in the 21st Century Act, is a comprehensive legislative proposal to insure America's continued leadership edge in the Information Age. It takes both short-term and long-term steps.

Let me summarize the proposal. With regard to long-term steps, this bill invests in the American workforce through a designated stream of funding for high-tech job training; K–12 education initiatives; authorizes a new program which provides grants for after school technology education; and helps our educational and research communities by exempting them from the cap on high-skilled professionals.

No. 2., the short-term steps: This bill addresses immediate skilled worker needs by authorizing a modest increase in temporary visas for high-skilled professionals.

When skilled professionals are at a premium, America faces a serious dilemma when employers find that they cannot grow, innovate, and compete in global markets without increased access to skilled personnel. Our employers' current inability to hire skilled personnel presents both a short-term and a long-term problem. The country needs to increase its access to skilled personnel immediately in order to prevent current needs from going unfilled. To meet these needs over the long term, however, the American education system must produce more young people interested in, and qualified to enter, key fields, and we must increase our other training efforts, so that more Americans can be prepared to keep this country at the cutting edge and competitive in global markets.

The Hatch substitute to S. 2045 addresses both aspects of this problem. In order to meet immediate needs, the bill raises the current ceiling on temporary visas to 195,000 for fiscal year 2000, fiscal year 2001, and fiscal year 2002. In addition, it provides for exemptions from the ceiling for graduate degree recipients from American universities and personnel at universities and research facilities to allow these educators and top graduates to remain in the country.

The Hatch substitute to S. 2045 also addresses the long-term problem that too few U.S. students are entering and excelling in mathematics, computer science, engineering and related fields. It contains measures to encourage more young people to study mathematics, engineering, and computer science and to train more Americans in these areas.

Under predecessor legislation enacted in 1998, a $500 fee per visa is assessed on each initial petition for H–1B status for an individual, on each initial application for extension of that individual's status, and on each petition required on account of a change of employer or concurrent employment. Under the Hatch substitute, this money is used to fund scholarships for low income students and training for U.S. workers. Using the same assumptions on the rate of renewals, changes of employer and the like that the committee and the administration relied on in estimating the impact of the 1998 legislation, the increase in visas should result in funding for training, scholarships and administration of H–1B visas of approximately $150 million per year over fiscal year 2000, fiscal year 2001, and fiscal year 2002 for a total of $450 million. This should fund approximately 40,000 scholarships. This is important.

Mr. President, I hope my colleagues will vote for cloture today. I hope we can put this bill to bed. I hope there won't be any postcloture filibusters. I hope there won't be any postcloture delays.

Let us get this bill passed. It is critical to our country. It is critical to our information technology age, to our high-tech communities, and it is critical to keep us the No. 1 Nation in the world. It makes sense, and it has widespread support throughout Congress.

It is being delayed by just a few people in this body—maybe not so few but a number of people who basically claim they are interested in the information technology industries and high-tech industries themselves but who want to play politics with this bill.

I think we ought to quit playing politics and do what is right for our country. This is a bipartisan bill that really ought to be passed today.

With that, how much time do both sides have remaining?

The PRESIDING OFFICER. The Senator from Utah controls all remaining time and he has 9 minutes.

Mr. HATCH. Mr. President, I yield the 9 minutes to my colleague from Louisiana.

Ms. LANDRIEU. Mr. President, I appreciate being yielded the remaining time.

I am a supporter of the H–1B visa legislation and have been so for quite some time, recognizing that it is very important for our country to make the accommodations to be able to supply this great and booming economy the skilled workers necessary. I have been voting accordingly.

This debate should bring more urgency to our discussion on how to strengthen our public school system, our college training opportunities, and our technical college network in this Nation so that in the future we don't have to fill these slots with workers who are not Americans; that we can fill them with hard-working Americans because our school system and our education system have met the challenge the taxpayers have laid out for us. We cannot hold our industries hostage because perhaps there has been some failing on our part to provide the kind of educational system this Nation needs. That is why I have been supportive.

In addition, I wish there was more support in this body for including the Latino fairness provision. I am disappointed that the amendment tree was filled in order to keep those of us on both sides of the aisle, Democrats and Republicans, from considering this as a proper place to add this important legislation—not to kill it, not to slow it down, but to make it stronger. That is such an important issue to the Latino community, to Hispanic Americans who are looking for the same justice and equality that was promised for the Hondurans and Guatemalans as provided for the Nicaraguans.

I will be supplying a more in-depth statement on that subject.

The PRESIDING OFFICER. All time has expired. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 4178 to Calendar No. 490, S. 2045, a

bill to amend the Immigration and Nationality Act with respect to H–1B non-immigrant aliens:

Trent Lott, Chuck Hagel, Spencer Abraham, Phil Gramm, Jim Bunning, Kay Bailey Hutchison, Sam Brownback, Rod Grams, Jesse Helms, Gordon Smith of Oregon, Pat Roberts, Slade Gorton, Connie Mack, John Warner and Robert Bennett.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on amendment No. 4178 to S. 2045, a bill to amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. FEINSTEIN), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The result was announced—yeas 94, nays 3, as follows:

[Rollcall Vote No. 256 Leg.]

YEAS—94

| | | |
|---|---|---|
| Abraham | Fitzgerald | McConnell |
| Allard | Frist | Mikulski |
| Ashcroft | Gorton | Miller |
| Baucus | Graham | Moynihan |
| Bayh | Gramm | Murkowski |
| Bennett | Grams | Murray |
| Biden | Grassley | Nickles |
| Bingaman | Gregg | Reid |
| Bond | Hagel | Robb |
| Boxer | Harkin | Roberts |
| Breaux | Hatch | Rockefeller |
| Brownback | Helms | Roth |
| Bryan | Hutchinson | Santorum |
| Bunning | Hutchison | Sarbanes |
| Burns | Inhofe | Schumer |
| Byrd | Inouye | Sessions |
| Campbell | Jeffords | Shelby |
| Cleland | Johnson | Smith (NH) |
| Cochran | Kennedy | Smith (OR) |
| Collins | Kerrey | Snowe |
| Conrad | Kerry | Specter |
| Craig | Kohl | Stevens |
| Crapo | Kyl | Thomas |
| Daschle | Landrieu | Thompson |
| DeWine | Lautenberg | Thurmond |
| Dodd | Leahy | Torricelli |
| Domenici | Levin | Voinovich |
| Dorgan | Lincoln | Warner |
| Durbin | Lott | Wellstone |
| Edwards | Lugar | Wyden |
| Enzi | Mack | |
| Feingold | McCain | |

NAYS—3

| | | |
|---|---|---|
| Chafee, L. | Hollings | Reed |

NOT VOTING—3

| | | |
|---|---|---|
| Akaka | Feinstein | Lieberman |

The PRESIDING OFFICER (Mr. ENZI). On this vote, the yeas are 94, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to. The pending motion to recommit is out of order.

The Chair recognizes the majority leader.

AMENDMENT NO. 4183

Mr. LOTT. Mr. President, I now call up amendment No. 4183.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] for Mr. CONRAD, proposes an amendment numbered 4183.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To Exclude certain ''J'' nonimmigrants from numerical limitations applicable to ''H–1B'' nonimmigrants)

At the end of the bill, add the following:

**SEC. . EXCLUSION OF CERTAIN "J" NONIMMIGRANTS FROM NUMERICAL LIMITATIONS APPLICABLE TO "H–IB" NONIMMIGRANTS.**

The numerical limitations contained in section 2 of this Act shall not apply to any nonimmigrant alien granted a waiver that is subject to the limitation contained in paragraph (1)(B) of the first section 214(l) of the Immigration and Nationality Act (relating to restrictions on waivers).

AMENDMENT NO. 4201 TO AMENDMENT NO. 4183

Mr. LOTT. Mr. President, I now call up amendment No. 4201.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 4201 to amendment No. 4183.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

Mr. REID. I had the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. REID. Mr. President, would the Chair be so kind as to explain where we are on the legislation now before the Senate?

The PRESIDING OFFICER. There are amendments pending, first and second degree, to the underlying text of the bill, and there is a perfecting amendment to the committee substitute, with a second-degree amendment thereto.

Mr. REID. Mr. President, I rise to talk a little bit about this legislation.

First, I think it is important to know that we—that is, Senator KENNEDY, Senator REED of Rhode Island, myself, Senator DURBIN, Senator LEAHY, and Senator GRAHAM—have a very important amendment we believe should be considered during the time we are debating this issue. Our amendment is called the Latino and Immigrant Fairness Act.

We have had, in recent days, an inability to bring up legislation that is extremely important to the Senate. This legislation deals with a number of issues that were discussed on the floor yesterday briefly, but it deals with the lives of hundreds of thousands of people.

In 1996, there was slipped into one of the bills a provision that took away a basic, fundamental American right of due process.

As a result of legislation we passed in 1986, thousands of people who came to this country were entitled to apply to adjust their legalization status. However, inserted in legslation that we passed in 1996, was language that, in effect, denied them a due process hearing.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. REID. I am happy to yield to my friend for a question.

Mr. KENNEDY. I don't want to interrupt the line of thought of the Senator. I understand the majority leader put in place two amendments that were actually Democratic amendments—at least one amendment was proposed by Members of our side. I have been in the institution now for 38 years, and I have never heard of another Senator calling up someone else's amendment before the Senate.

We want to be involved in the substance of this and get the H–1B measure put on through. But I am just wondering if I understand correctly that the majority leader now has filed a cloture motion and gone ahead and called up the Senator's amendment. Maybe that Senator has been notified; maybe he is on his way here. But I am just wondering, I say to the deputy leader for the Democrats, whether I understand the situation correctly. Is that the understanding of the Senator from Nevada, that this is the situation?

Mr. REID. Mr. President, this is interesting. This is an unusual situation where we have amendments that have been filed by other Senators being called up by someone else. I think it is very transparent, I say to my friend from Massachusetts and others within the sound of my voice, it is very transparent. All we want is a fair debate and the ability to vote on this amendment.

For example, George W. Bush says he wants to make sure that our immigration laws are fair to the Hispanic population of this country. If he wants to be so fair to the Hispanic population of this country, why doesn't he call the Republican leadership in the House and Senate to let us bring forward this legislation that the Hispanic communities all over America want? They won't let us do that. They know the Senator from Massachusetts was here to be recognized so that this amendment could be offered.

I have the floor now. I had other things to do this morning, but with Senate procedures such as they are, I

had the opportunity to get the floor, and I am going to keep the floor for a while because I am going to talk about what is going on in this country.

Does the Senator have a question, without my losing the floor?

Mr. KENNEDY. Yes. So that people watching this have some understanding, we have an H–1B proposal that is before the Senate, and there is virtual unanimity in the Senate in favor of it. There are some differences in terms of the training programs, to make sure we get additional funding so these jobs will be available for Americans down the road. Maybe people are trying to block that particular amendment. These are good jobs. Why should we not have training for Americans to be able to have these jobs in the future? I would like to be able to make that case and move ahead.

There are other amendments, as the Senator pointed out. On the one hand—I ask my colleague if he doesn't agree—we are looking out after the high-tech community with the H–1Bs. There is a need also in Massachusetts, and I support that. On the other hand, there is a need in terms of equity, fairness, justice, and also economically to make an adjustment of status so that men and women who are qualified ought to be able to get a green card to be able to work. It just so happens they are Latinos.

Evidently, that is the difference here, as far as I can figure out. Otherwise, I can't understand why, on the one hand, we are permitting and encouraging people to go to high-tech, but not to go to work in some of the other industries, even though the Chamber of Commerce, the AFL, and the various church groups are in strong support of it. The economics of it are that there is a very critical need for it.

Can the Senator possibly explain why we are being denied an opportunity to complete our business in terms of the high-tech and also in the other areas that have been strongly supported by groups across this country? As far as I can figure out, it is that they are basically of Hispanic heritage.

I am asking a question to the Senator from Nevada. Has the Senator heard one reason from the other side—because it is the other side that is stopping this—why they won't do it? What is the reason? Why won't they engage in a debate on this particular issue? All we have, Mr. President, is silence on the other side. Here we are trying to give fairness to the Latinos and against the background where we had two Members on the other side, Senator ABRAHAM and Senator MACK, who last year said they favored these kinds of adjustments for the Latinos. They said it in the last Congress. I don't doubt that that is their position now.

We can dispose of this in an hour or so this afternoon. But what possibly is the reason the majority leader says, no, we are not going to deal with that? We are going to call up amendments of other Senators who haven't even been notified to come over here and deal with this. What is going on here?

Mr. REID. Mr. President, let me answer a number of questions because the Senator asked a number of questions.

First of all, I spoke yesterday to the National Restaurant Association. I agree with my friend from Massachusetts that it is important we do something for high-tech workers. I support efforts in Congress that have allowed 430,000 people to come to the United States to be high-tech workers, principally from India——

Mr. KENNEDY. A good chunk from China. India is No. 1 and China is No. 2.

Mr. REID. Yes, I agree with the Senator from Massachusetts. I am glad we have done that.

There is another group of people the restaurant owners believe should be allowed to come. They are essential workers, skilled and semi-skilled workers. We have hundreds of thousands of jobs in America today that aren't being filled. Why? Because there aren't enough Americans to take the jobs. That is why we have, as listed on the chart behind the Senator from Massachusetts, so many supporters from the business community of the Latino and Immigrant Fairness Act. If we had a bigger board, we would have three times that many names on it.

Mr. KENNEDY. If the Senator will withhold, here is another chart showing double the numbers of groups that support this proposal as well. These are all of the groups. Here is the National Restaurant Association listed in support of this proposal.

What is the argument on the other side? I thought I heard somebody say, ''We don't want to confuse these issues.'' I don't think there is much confusion about what is being considered around here. There isn't a lot of confusion about it. It is very basic and rather fundamental. The adjustment of status that was applied just over a year ago in terms of the Nicaraguans and Cubans was going to be extended to others, including the El Salvadorans, Hondurans, Haitians, and Guatemalans. They have been effectively discriminated against. We were going to adjust for those. And then for about 300,000 citizens here in this country who are being denied a green card, under the law, according to the courts, they should be entitled to go to work.

The courts have said it was a bureaucratic mistake that they were denied that opportunity to be able to get a green card to go to work. Then the Congress went ahead and effectively withdrew the authority of the Justice Department to implement what the courts have found was a gross injustice and gross unfairness to Latinos. Effectively, they wiped out their remedy.

What this amendment will do is just give them the opportunity to make that adjustment. This is all about working. It is about working. It is about a green card and working. That is what this is basically about. We hear lectures from the other side all the time about how we want to encourage people to work. These groups want to work. They want to work. They are unable to work because of the refusal of the majority leader to permit consideration of this amendment.

I see we are joined by the Senator from Illinois.

Then the majority leader calls up Democrats' amendments without even notifying the Senators they are being called up.

This is rather embarrassing, I would think, for Members to have amendments called up and they are over in their office trying to do constituency work. Their constituencies are going to wonder: Where in the world is my Senator? His amendment, or her amendment, is before the Senate. Where is that individual?

In 38 years I have never seen that.

I hope we are not going to have lectures from the other side: Well, we are in charge around here. Evidently they don't care very much about the rules, or at least about the courtesies and the degree of civility we have had about calling up other Senators' amendments. This goes just as far as I can possibly imagine.

The one thing that bothers me is, what is it that they fear? What is it possibly that they fear which causes us to have to take all of this time to pass this legislation?

Maybe the Senator from Illinois will respond. I want to direct it to the Senator from Nevada. What is it that they fear? Why is it that they take these extraordinary, unique, exceptional steps to deny a fair debate about fairness to Latinos?

Mr. REID. In answer to the Senator, I repeat that I have the greatest respect for the thousands of people who came to this country and are here now as a result of H–1B legislation. It is very important. Those high-tech jobs are important. But I say to my friend from Massachusetts that it is just as important to people who work in these restaurants and who work in these health care facilities as nurses, as cooks, as waiters, as waitresses, and as maids, their jobs are just as important because people who are running these establishments need these essential workers. That is who they are. ''Essential workers.'' They are skilled and semi-skilled workers.

I say to my friend from Massachusetts that we have had a hue and cry from the people on the other side of the aisle and from the Governor of Texas and others saying they believe there should be fairness to Latino immigrants. The best way to express that desire for fairness is to allow us to vote on this measure.

Let's have an up-or-down vote on the amendment offered by myself, the Senator from Massachusetts, the Senator from Illinois, Senator REED of Rhode Island, and Senator GRAHAM of Florida. Let's move this debate along. We could speed up the time. We would agree to a half hour evenly divided. It could take 30 minutes. Vote on it and move on.

I would like to see how people would express themselves on this vote. It is very important.

I have a constituency that is watching this very closely. The State of Nevada has the sixth largest school district in America: the Clark County School District. In that school district, over 25 percent of the children are Hispanic.

In Nevada, we also have 20,000 people, the majority of whom are Hispanic who are unable to work because they were, in effect, denied due process by a sneaky thing put in the 1996 act. I want them to have a due process hearing to determine whether or not they should remain in the United States. I believe the vast majority would remain here because fairness would dictate that they should.

That is what this is all about—basic fairness. That is why we call it the Immigrant Fairness Act.

I say to anyone within the sound of my voice that if we are interested in speeding up what is going on here in Washington, in the Congress, let's have a vote on this measure that Senator KENNEDY, I, and others are pressing. We will agree. I said we will take 30 minutes, but we would agree to 10 minutes evenly divided. Let's have a vote up or down on this measure.

Mr. HATCH. Will the Senator yield for a question?

Mr. REID. I yield to the Senator for a question without losing my right to the floor.

Mr. HATCH. What seems interesting to me is I helped to lead the fight years ago in 1996 in my own committee to increase legal immigration in this country. I have led the fight for that. We are talking about giving amnesty to illegal immigrants while not increasing the caps on legal immigration. Something is wrong.

Mr. REID. Is that the question?

Mr. HATCH. Let me complete my question. In order to make my question clear, I have to make these points.

We can't get caps lifted on legal immigration. It is my understanding that on the H–1B bill—which just had a 94 to 3 vote and that should pass right out of here, has had hearings, and everything else—you want to hold it hostage because you want to give amnesty to 500,000 illegal immigrants.

Mr. REID. Is that the Senator's question to me?

Mr. HATCH. Let me ask my question. Is it not true that this major new amnesty program, which has not had one day of hearings, if it passes would legalize up to 2 million people? I know there are those on your side who say there are one-half million illegal immigrants. Is it not true that the price tag for this major new amnesty program to legalize up to 2 million people is almost $1.4 billion, and that the underlying bill that we are trying to pass here—the H–1B bill—would basically provide the high-tech workers that we absolutely have to have?

Mr. REID. With the greatest respect, I say to my friend, ask me a question. I have the floor, and I will be happy to answer.

Mr. HATCH. I did. Isn't it going to cost us $1.4 billion to give amnesty to these illegal immigrants?

Mr. REID. I would be happy to respond to the question.

First of all, we are not talking about illegal immigrants. We are talking about giving people who are in this country due process.

Mr. HATCH. Illegally in this country.

Mr. REID. And whether or not they are entitled to remain in this country. I believe in due process. One of the basic and fundamental assets that we have in this country, which sets us far and above any other country, is the legal system. We require and expect due process.

What we are saying is the bill that we passed in 1996 gave amnesty to people who had been in this country for an extended period of time. A provision was stuck in the 1996 Immigration Reform bill that denied these people due process. Some of them didn't meet the deadline to file for their amnesty because the INS ignored a law that we passed and President Reagan signed into law.

The question is not how much it is going to cost the Government but how much it is going to cost the business sector in this country.

The U.S. Chamber of Commerce, the American Health Care Association, the American Hotel and Motel Association, the American Nursing Association, the American Nursery and Landscape Association, Associated Builders and Contractors, and the Associated General Contractors support this amendment. I could read further for the next 15 minutes and give chart after chart of organizations that support this amendment.

We believe it is good for the American economy. It is good for American industry. It is the fair thing to do.

Mr. DASCHLE. Will the assistant Democratic leader yield for a question as well?

Mr. REID. I would be happy to yield to my friend, the Democratic leader, for a question, without losing the floor.

Mr. DASCHLE. I ask the assistant Democratic leader—I wasn't on the floor when this began. I ask if the Senator from Nevada could confirm what I understand to be our circumstance. I apologize for not being here sooner. But as I understand the circumstances, our Republican colleagues have filed cloture on second-degree amendments, and they had intended, as I understand it, to file it on the bill and made a mistake. We understand that. They have created a problem for themselves that they are trying to get out of.

But my question is: I ask the Senator from Nevada if the issue is whether or not we ought to have the right to offer an amendment.

We have been debating the issue of immigration as if an amendment were pending. We have been debating this issue assuming that somehow there is opposition on the Republican side and support for an amendment on the Democratic side.

In the normal course of debate, you ultimately lead to a vote on an amendment. As I understand it, the Republicans have denied us the right to offer an amendment. Is that correct?

Mr. REID. The Senator is correct.

It would seem to me the best way to handle this is to accept the two amendments. We, the minority, will accept, on a voice vote, the two amendments that have been filed, and then I think the fair thing would be to allow us to proceed on an amendment that has been filed. It is right here: Mr. KENNEDY, for himself, Mr. REID, Mr. DURBIN, Mr. REED, Mr. GRAHAM, Mr. LEAHY, Mr. WELLSTONE, and Mr. DASCHLE submitted an amendment intended to be proposed by them to the bill, S. 2045, the Latino and Immigrant Fairness Act of 2000.

Mr. DASCHLE. Let me ask the assistant Democratic leader, I have to say for those who may not have watched the 106th Congress, we have established a new threshold. It used to be anytime a majority opposed an amendment, they would vote against it. They would perhaps make a motion to table an amendment, we would have the debate, they would vote, and the issue would be behind us. Oftentimes, the minority would lose. That is the way it used to be.

Then our colleagues on the other side of the aisle raised it another notch. They said: We don't think you ought to have the right to offer an amendment, so we will file cloture on a bill denying you the right to even offer an amendment. That was the new threshold.

We have gone through many, many of these—in fact, a record number. I have given presentations on the floor regarding the number of times our colleagues have actually filed cloture to deny us the right to offer an amendment.

This now reaches way beyond that. For the first time—maybe in history—our Republican colleague, without his even knowing it, has offered a Democratic amendment, has second-degreed that amendment, continued to file cloture, to say with even greater determination, we are not going to let you offer an amendment.

I ask the assistant Democratic leader in the time he has been in the Senate whether he can recall a time when we have ever seen the majority go to that length to deny Members the right to offer an amendment in the RECORD dealing with immigration or any other issue for that matter?

Mr. REID. I have not. I don't think anyone else has. I say to the leader and anyone else listening, all we want to do——

Mr. HATCH. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nevada has the floor; does he yield for a parliamentary inquiry?

Mr. REID. I do not.

Mr. HATCH. Just this point.

Mr. REID. I am happy to yield to my friend, without losing the floor, Mr. President, or any of the time I might have. I ask unanimous consent the Senator from Utah be allowed to direct a parliamentary inquiry to the Chair without my losing the floor.

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

Mr. HATCH. My colleague is always gracious. I have heard this comment about this being the first time anybody has called up another person's amendment. Parliamentary inquiry: Is this the first time?

As I recall, last year Senator REID called up an amendment of Senator JEFFORDS.

Mr. REID. Would the Chair repeat the question?

The PRESIDING OFFICER. The question was, Is this the first time this has happened? Do you recall Senator REID calling up an amendment of Senator JEFFORDS? That was the question.

''Riddick's Rules of Procedure,'' on page 34, cites several examples.

Mr. HATCH. This isn't the first time.

Mr. REID. Reclaiming the floor, I say to my friend from Utah, there may have been other occasions, and the Chair certainly is right in indicating that it has been done before.

Mr. HATCH. Will the Senator allow the Chair to state the answer to my parliamentary inquiry?

Mr. REID. The Chair already stated the answer.

Mr. HATCH. I don't think so.

The PRESIDING OFFICER. The answer was on page 34 of Riddick's; there are several examples of that having happened.

Mr. DASCHLE. Would the assistant Democratic leader yield?

Mr. REID. I am happy to yield to the Senator.

Mr. DASCHLE. Mr. President, I think the point I was trying to make, and I asked the response of the assistant Democratic leader, I don't know that I have ever seen the majority go to the extremes they have on so many of the levels I have described to deny Members the right to offer amendments.

Have there been precedents where the Senators have offered another Democrat or Republican amendment? Of course. But have they done so with all of the other layers of opposition, parliamentarily, that have been now shown to be the case here? Again, I argue, no, they have not. I think this is the most remarkable set of circumstances.

What is amazing to me is we have already offered a limit on time. All we want is a simple opportunity to debate the issue for a brief period so we can be on record with regard to fairness for these many millions of immigrants who are looking to us right now for relief. That is all they are doing. Whether they are Liberians, whether they are Latinos, we have a responsibility in this Congress to respond.

The President has said to me personally, and he has said in as many ways as he knows how, that he will demand this legislation be addressed before the end of the Congress. He has said that. If we don't do it on this, on what will we do it?

So I ask the assistant Democratic leader if he shares my conviction that, first, this extraordinarily unique set of circumstances again reflects the opposition on the part of the majority to basic fairness procedurally and basic fairness with regard to Latinos in this country today?

Mr. REID. I answer the leader's question as follows: First of all, it is very clear that the President will accept nothing short of this legislation. In fact, there is a letter. I don't think it is any secret. We have more than 40 signatures from the Democrats—we only needed 34—to the President, saying if, in fact, he does veto this, we will sustain that veto.

I also say to my friend, it is obvious the majority does not want this legislation to pass. They are trying to confuse it. The managing word is always ''illegal immigration.'' This is not about illegal immigration. It has everything to do with fairness in our immigration laws, and helping the American business community in essential fields where they cannot fill the jobs.

In Nevada, we have approximately 20,000 people who want to work—who want to go back to work. They have had their work cards withdrawn. They have had their mortgages foreclosed. They have had their cars repossessed. People in America who have children—wives, husbands, American citizens—all they want is a fair hearing. All they want is a fair hearing that would allow them to keep their families together. That is what this legislation is all about.

Mr. DASCHLE. If the Senator will yield for one last question, I also yield the Senator from Nevada 30 minutes of my time.

I hope the Latino community, the Liberian community, all of those communities concerned about this immigration language, understand why we are here. We are here in the last days of this session to make right the problem that has existed all too long. We want to make it right. The President wants to sign this legislation. Unfortunately, apparently with unanimity, every one of our Republican colleagues oppose this. We haven't heard one of them come to our position on this issue.

I hope the Latino community understands that. I hope those who are concerned about fairness at the end of this session understand that. I hope they will do all they can to reflect their feelings and their opinions before it is too late. We still have time to do this. We still should do it this week. We ought to do it on this bill. I hope our Republican colleagues will reconsider.

I thank the Senator for yielding.

Mr. REID. The Senator is a national leader as part of his responsibilities. The Senator from South Dakota is not doing this because there are a lot of minorities in South Dakota; in fact, there are very few. He is doing this because it is the right thing to do. It is fair to people who are in America and want the right to have their status adjusted or reviewed in a due process hearing. That doesn't sound too unreasonable to me.

Mrs. BOXER. Will my colleague yield for a question?

Mr. REID. I will be happy to yield for a question from my colleague from California without losing the floor.

Mrs. BOXER. I thank my friend. I thank him and Senator DASCHLE, our leadership team here, for what you are doing. The Senator from Utah asked, I thought, a very reasonable question when he said: What is this going to cost?

I say to my friend, on the issue of cost—and I think this is important—what happens to a family when the worker in that family is told to leave? Because if we do not pass this law—which is what our friends want; they do not want us to pass this law—that worker goes back to the country of origin and has to wait 10 years there, leaving behind—let us say it is a man in this case—a wife and children, children who are citizens of this country.

My friend from Utah says: Illegal.

Those are American children. If we do not act, their dad is going to be deported. For 10 years they will have to wait. What happens to the cost when a wage earner has to leave this country, perhaps for up to 10 years, leaving the children behind? The Senator pointed out the business community is without workers, so they are going to have to pay more to get fewer workers. That is a cost. But what is the cost if these people have to go on welfare, I say to my friend, because the breadwinner is summarily removed from this country because we have failed to act on this immigration fairness act?

Mr. HATCH. Will the distinguished assistant leader yield for another parliamentary inquiry?

Mr. REID. The cost here is very apparent. First of all, this person is being deported without a due process hearing.

Mrs. BOXER. Right.

Mr. REID. This person being deported leaves behind a job that is unfilled. That employer looks and looks to try to find somebody to fill that job. What is the cost of that, and then the cost, many times, to our welfare system, our criminal justice system, our education system.

Mrs. BOXER. Exactly.

Mr. REID. The costs are untold. I do not know what they would be, but we know they would be remarkably high. There are sociologists and mathematicians who could figure it out. That is why I say to my friend from California, we have dozens and dozens and dozens of groups of people and organizations that support doing something.

I said earlier, I say to my friend from California—I spoke yesterday to the National Restaurant Association. They

are desperate for people to work in their establishments. They are desperate for people to clean dishes, wait tables, cook food, serve food. I say to my friend from California, that job may not be very glamorous, one of those jobs I have described, but it is just as important to the individual who has it as the 420,000 high-tech jobs that we have allowed people from outside the U.S. to come here to fill, just as important.

Mr. HATCH. Will the assistant minority leader yield for a parliamentary inquiry?

Mrs. BOXER. When I am completed I am sure there will be time for others, but I do not want to lose my train of thought.

What my friend has said is when someone asks what is the cost of this immigration fairness act amendment, we are saying it is more costly not to act because of the impact on the business community and their ability to get help is huge. The impact on the family, when the breadwinner has to leave behind American citizen children and perhaps the mom has to go on welfare, is very high, not to mention the cost of splitting up families. My friend has been a leader on this, as has my friend from Utah as well. We know what happens when parents split up. We know the costs to society. We know what happens to the kids. We know what happens to people using alcohol to dull the pain and all those things, when a family is summarily split apart.

I do not hear my friends on the other side saying, ''change the law for Nicaraguans or Cubans.'' Good for them, we should allow those people to stay. What about the Salvadorans?

Mr. REID. I respond to my friend from California by saying she is absolutely right. But one cost we have not calculated is: What is the cost to a family that is broken up? I said on the floor yesterday, and I will repeat—I am sorry some will have to listen to it more than once—Secretary Richardson, now Secretary of Energy, was Ambassador to the United Nations. He came to Nevada. We had a good day visiting, doing work.

The last stop of the day was at a recreation center in an area of Las Vegas that is mostly Hispanic. As we were approaching, our staffs said: Let's take you in the back door because there is a big demonstration out front. We think you should not be disturbed. You can go in; we have people we have invited in and you could have a conversation.

We thought it over and we said, no, we are going to go in the front door. As we walked in the front door, we saw hundreds of people, many with brown faces—although I have to tell you there were many white faces as well and they were there to tell Secretary Richardson and I that what was happening was unfair. They qualified under the 1986 amnesty, but they had taken more than a year to file because the INS was not playing by the rules, and they were not entitled, under the 1996 provision that was tucked into the immigration reform bill, to a due process hearing. They were saying:

> I worked at Caesar's Palace. I was a cook. I made good money. I had a union job. I bought my own home. I have lost my home, I have lost my car, and now I am being asked to lose my family. That is unfair. I have American children. Here, do you want to see them? Here they are.

So I say to my friend from California, it is absolutely mandatory that we push this legislation. I am so grateful that Vice President GORE has stated publicly that he supports this legislation; not some different legislation, not trying to wiggle out of it—he supports this legislation.

I say to George W. Bush, I can't speak Spanish. I have three children who speak fluent Spanish. I can't speak Spanish. He shows off speaking the little bit of Spanish he knows. Let him speak English and come here and tell us he supports this legislation. That will show he supports the Hispanic community in America and their priorities.

Mr. HATCH. Will the Senator yield?

Mr. REID. I will yield for a question without losing the floor.

Mrs. BOXER. Mr. President, I ask to be added as cosponsor to this amendment, that is so important, to the Latino and Immigrant Fairness Act.

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

Mrs. BOXER. The last question I have is this: Our colleagues are up in arms about allowing us to have a vote on this, but they are bringing out amendments without even asking the authors if they want them attached to this particular bill. It amazes me.

I guess the final question I have for my assistant leader is this: If our friends on the other side do not like this bill, why do they not just vote against it? We are not asking to pass this without a vote. Are we not asking for the ability to put this on the Senate floor, debate it very briefly—or as long as they want? You yourself said, I think, you would take 10 minutes of debate and whatever the other side wants. Is it not their right to vote against this fairness legislation if they so desire?

Mr. REID. I say to my friend from California, as usual, you brought things down so it is very easy to portray what is going on here; that is, they do not want to vote.

Mrs. BOXER. That is it.

Mr. REID. They don't what to vote. They want to be able to go home and say they are for all this fairness and immigration. How can they prove it? Well, because they say so.

I say to my friend from California, the only way to prove this is to allow us to vote. This is a basic principle. If you don't like something, vote against it.

It appears to me that because the President and Vice President have been unflinching in this—they have said this legislation will pass or this Congress will not adjourn. We have enough votes to sustain a veto. I think we are in good shape.

Several Senators addressed the Chair.

Mr. REID. I am happy to yield to my friend from Vermont. My friend from Illinois indicated he had a question. I will be happy to yield to my friend from Illinois for a question without losing the floor.

Mr. LEAHY. And then, Mr. President, if he will yield to me for a question also?

Mr. DURBIN. I thank the Senator from Nevada for leading this debate. I think it is important from time to time, as we get into debate, if the Senator would respond, for us to recap where we are so those who are trying to follow the debate understand it.

The underlying bill, the H–1B visa bill, will allow companies in America to bring in skilled workers from overseas. They are telling us they cannot find those workers in America's labor pool. We decided under the H–1B visa, in 1998, to increase the number who could be brought in this fiscal year to 107,500. They are telling us that number is inadequate. They cannot find the workers in America to fill their needs and they do not want to move their companies overseas.

So the underlying bill—I ask the Senator from Nevada to confirm this—the underlying bill, at the request of businesses across America, would increase the number who can be brought in for these skilled labor jobs to 195,000 a year. Am I correct?

Mr. REID. Yes. I say to my friend from Illinois, that is part of the bill. There are other things included in it, but that is absolutely right.

Mr. DURBIN. So the idea behind the underlying bill is that, at the request of business, we will bring in these skilled workers so they can continue to thrive in this economy, continue to create more jobs, and not have to move their businesses overseas?

Mr. REID. I say to my friend from Illinois, we hear a hue and cry—and you and I have been doing some of the crying—about the businesses moving overseas. One reason they are doing that is, of course, there is cheap labor overseas. But the other is they can't find enough people to do the work here. So they throw their arms up and ask us to help them.

I believe it is so important we understand this legislation, of which the Senator from Illinois has been a constant supporter, and as a cosponsor of the amendment we have filed, this Latino and Immigrant Fairness Act of 2000.

Let's not confuse this. My friend from Utah raised the words: ''Illegal immigration. Aren't we supporting illegal immigration?'' Let the Record be spread with the fact this is not about illegal immigration. This has everything to do with fairness—fairness not

for some mystical people off on the horizon but for human beings who live in Las Vegas, who live in Winnemucca, or Chicago, and other places throughout America. All they want is a chance at the American dream. They are not asking for anything other than a fair hearing and the right to work as they know how.

Mr. DURBIN. If the Senator would further yield for a question, the underlying bill, at the request of the business interests in this Nation, will allow us to increase the number of skilled immigrants coming in on temporary visas to 195,000 a year.

The amendment which the Senator from Nevada, Mr. REID, the Senator from Massachusetts, Mr. KENNEDY, as well as the Senator from Rhode Island, Mr. REED, Senator LEAHY of Vermont, and I want to offer to this legislation even addresses it, I think, with more persuasion because the Latino and Immigrant Fairness Act, which we are pushing as an amendment to this bill, is supported not only by the U.S. Chamber of Commerce but by the AFL–CIO as well. Business groups and labor groups have come together and said: If you are going to address the issue of immigration, jobs, keeping the economy moving, don't stop with the H–1B, 195,000; deal with American workers who are here who need to be treated fairly.

Am I correct in saying to the Senator from Nevada, this is one of the rare examples I have seen on an immigration issue where business and labor have come together so strongly, saying to us this is the best thing for workers and their families and the economy, the amendment we are cosponsoring—the amendment being resisted by the Republican leadership, is it the same amendment?

Mr. REID. I say to my friend from Illinois—and I apologize for not answering the last question directly; the Senator from Illinois has projected what is absolutely the question before the Senate; and that is, we, the Democrats, have been willing to support bringing high-tech workers here. In fact, almost 500,000 of them have come here to work because the high-tech sector which is fueling our economy needs such workers.

All we want to do is make sure that other essential workers—which is how I refer to them—skilled and semi-skilled workers come here so that they are able to do the work at Ingersoll-Rand, at Harborside Healthcare Corporation, at Cracker Barrel Old Country Store, at Carlson Restaurants Worldwide and TGI Friday's, and at the Brickman Group, Ltd.

As the Senator has indicated, the American Federation of Labor, the American Chamber of Commerce—where else have we been able to see these two groups coming together pushing a single piece of legislation? I can tell you one other, and that is a Patients' Bill of Rights.

Mr. DURBIN. That is right.

If the Senator would yield for a further question?

Mr. REID. I am happy to yield without losing my right to the floor.

Mr. DURBIN. I think the distinction here on the H–1B visa question is, we are talking about bringing new workers, new skilled workers, in on a temporary basis to fill the needs of companies. The amendment, which we want to offer and which the Republicans are resisting, deals with workers already in America, many of whom are asking to be treated fairly under our immigration laws. Business and labor, as well, are saying they deserve to be treated fairly.

As an example, the Senator from Nevada has talked about those who came to this country, started families, started working, paid their taxes, never once committed a crime, building their communities and their neighborhoods, and are now caught in this snarl, this tangle, this bureaucratic nightmare of the Immigration and Naturalization Service. They are asking for their chance, as many of our parents and grandparents had, to become American citizens legally and finally.

It strikes me as odd that those of us in the Senate who understand how bad this immigration battle is for individuals and families would resist this amendment, the Latino and Immigrant Fairness Act.

In my office in Chicago, in my senatorial office, two-thirds of the casework is on immigration. We are in a constant battle with the INS. What our amendment seeks to do is to say these people deserve fair treatment. For goodness' sake, you can call yourself a compassionate conservative or a compassionate liberal or a compassionate moderate, but if you believe in compassion, how can you resist an amendment that is going to give to these families here in America—working hard, building our Nation—a chance to be treated fairly under the law?

Mr. REID. I respond to my distinguished friend from Illinois, all these people want is a fair hearing. Some of them, after they have a fair hearing, may not have merits to their case, and they may have to go back to their country of origin. But in America, shouldn't they at least be entitled to a fair hearing where they have due process? The obvious answer is yes.

I appreciate very much the leadership of the Senator from Illinois on this issue and his ability to articulate something that is so important. We all have the same situation in our offices, those of us who have large minority populations. In my office, I have two Spanish-speaking people working in my Las Vegas office, one in my Reno office, the purpose of which is to work on these very difficult cases. I think it is very good that the Senator from Illinois can condense an issue so understandably.

It is my understanding that the Senator from Vermont wishes me to yield.

Mr. LEAHY. Just for a question.

Mr. REID. I will yield without losing my right to the floor. But before yielding to my friend, without losing my right to the floor, I want to say to my friend from Vermont——

The PRESIDING OFFICER. The Senator can only yield for a question.

Mr. REID. I understand that. I have the floor. I am just making a statement.

I say to my friend from Vermont, I am so proud of you. I say that for this reason: I saw some statistics the other day about the State of Vermont. You have very few minorities in Vermont. For you to be the national leader on this issue that you have been takes a lot of political courage. It would be easy for you to be an ''immigrant basher,'' to talk about how bad illegal immigrants are and how bad it is to be dealing with this issue. But you, as the ranking Democrat on the Judiciary Committee, have stepped forward.

I say to my friend, the Senator from Vermont, you have stepped forward in a way that brings a sense of relief to this body because you have no dog in the fight, so to speak. You are here because you are trying to be a fair arbiter. You are the ranking Democrat on the Judiciary Committee. That is why we, the rest of the members of the minority, have followed you as a leader on matters relating to things that come through that very important Judiciary Committee.

I am happy to yield to my friend from Vermont for a question, without my losing the floor.

Mr. LEAHY. Mr. President, my friend the Senator from Nevada has given me more credit than I deserve, but I do strongly support the Latino and Immigrant Fairness Act, as just that, a matter of fairness, as something we should do. Whether we have a large immigrant population in our States or not, this is something where Senators are going to reflect the conscience of the Nation, as this body should.

My question is this. I was over at one of our latest investigation committee meetings. We tend to investigate rather than legislate in this body. I was at a meeting where the Senate decided to go ahead and investigate the Wen Ho Lee investigation and, thus, hold up the FBI, who were supposed to be debriefing Dr. Wen Ho Lee today under the court agreement. Instead, in the Senate we jumped in, feet first, to interfere with that. I had to be off the floor to serve as Ranking Democrat of Judiciary at that hearing. So I wonder if the Senator from Nevada could explain the parliamentary procedure in which we find ourselves. It seems somewhat of a strange one.

Mr. REID. I am happy to respond to my friend from Vermont. There will probably be chapters of books written about what has gone on today. It is going to take some political scientists and some academicians to figure out what went on here today.

As of now, Senator CONRAD from North Dakota filed an amendment, according to the unanimous consent

order that was in effect. The majority leader called up his amendment without notifying the Senator from North Dakota. Then Senator LOTT called Senator CONRAD's amendment and then offered a second-degree amendment to Senator CONRAD's amendment. It was very unusual.

The purpose, of course, is so we, the minority, once again, would be stymied from offering an amendment and how would that be so? Because the majority does not want to vote on amendments, whether it is an amendment on whether we should close the gun loophole as to whether emotionally disturbed people or criminals, may buy guns at gun shows or pawnshops. That doesn't sound too unreasonable to me. This is a loophole that should be closed. They won't let us vote on the Patients' Bill of Rights either.

Mr. HATCH. Will the Senator yield for a simple parliamentary inquiry?

Mr. REID. They won't let us vote on anything dealing with prescription drugs, school construction, or lowering class size, as well as on the very ''bad'' concept called the minimum wage. They don't allow us to vote on that because they don't want to be recorded. You know how they will vote; they will vote no.

Mr. HATCH. Will the Senator yield for a parliamentary inquiry?

Mr. REID. I say to my friend from Vermont, that is why we are in the position we are in.

Mr. HATCH. Will the Senator yield for a——

Mr. REID. Once again, we are prevented from moving forward. The Senate has worked a couple hundred years to vote on amendments. But recently we have a new style. If you don't vote on something, you are better off than if you do.

In fact, I saw something earlier today where the majority leader said ''that when the Republicans aren't here, their popularity goes up.'' But here is the quote:

> We were out of town two months and our approval rating went up 11 points.

That was from February 3, 2000, by the leader. I think they have just extended this a little bit. Not only when they are out of town does their approval rating go up, I think they learned that if they don't have to vote, their approval rating doesn't go down.

Mr. LEAHY. Will the Senator yield for a further question?

Mr. REID. I am happy to yield to my friend from Vermont, without losing my right to the floor.

Mr. HATCH. Will my friend yield for a parliamentary inquiry?

Mr. LEAHY. On this question, I have been here now with a number of distinguished majority leaders, all of whom have been friends of mine: the Senator from Montana, Mr. Mike Mansfield; the Senator from West Virginia, Mr. ROBERT C. BYRD; the Senator from Tennessee, Mr. Howard Baker; the Senator from Kansas, Mr. Robert Dole; the Senator from Maine, Mr. George Mitchell. During that time, I do not recall a case where a majority leader, even though they have the ability to call up an amendment, has ever done that without giving notice first to the Senator who sponsored the amendment. That is during my now almost 26 years with all these distinguished, both Democratic and Republican, majority leaders. Has it been the experience of the distinguished Democratic deputy leader that if the leader is going to call up another Senator's amendment, that they give the sponsor notice?

Mr. REID. I say to my friend from Vermont, there was an interesting discussion on the floor yesterday where a Senator mentioned another Senator's name on the floor without advising that Senator that he was going to be using his name. And the most senior Democrat disagreed with that. He said it was unfair to talk about another Senator when that Senator was not on the floor.

If we carry that logic to what the Senator just asked, I think it would also be improper if Senator LEAHY filed an amendment pursuant to an order that had been entered into the Senate and the Senator from Nevada, without saying a word to the Senator from Vermont, called it up.

Now, we have been told by the Parliamentarian that there have been times in the past when other Senators have called up other Senator's amendments. We all know that. I have called up amendments for you when you haven't been here.

Mr. LEAHY. With my permission.

Mr. REID. With your permission. And you have done the same for me. That is the way it works. But to do something where the Senator is over in his office waiting for a time to be able to offer his amendment and it is suddenly called up, I am not totally aware of this.

I say, through the Chair, to my friend from Utah, I would be happy to yield to my friend from Utah for a parliamentary inquiry, if I do not lose the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATCH. I have three or four parliamentary inquiries. I will make them very short.

It is my understanding, is it not, that the Latino fairness bill, amendment No. 4185, was just introduced on July 25 of this year; is that correct?

The PRESIDING OFFICER. The Chair does not have access to those dates.

Mr. LEAHY. Is that a parliamentary inquiry, Mr. President?

Mr. HATCH. Is it not true that the amendment called the Latino fairness bill is No. 4184 and that it is not germane because 94–3, Republicans and Democrats, have voted for cloture; is that correct?

The PRESIDING OFFICER. It is the opinion of the Chair that amendment No. 4184 is not germane.

Mr. HATCH. Parliamentary inquiry: Since the Senate voted 94–3, Democrats and Republicans, on a bipartisan way to limit debate, that amendment would be moved out of order; is that correct?

Mr. REID. I would say to the Chair——

Mr. HATCH. May I get an answer to my question?

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. REID. I would say to my friend, through the Chair, I have no problem with the Senator making these parliamentary inquiries. July 25, I don't know if that is right, but that is fine. I also think, as we say in the law, his inquiry is not at this time justiciable. The fact that the Parliamentarian, through the Chair, ruled that this amendment, if offered, would not be germane does not mean that that ruling is taking place now. There is no ruling at this stage.

The PRESIDING OFFICER. That is correct.

Mr. REID. Did the Senator have other parliamentary inquiries.

Mr. HATCH. Yes, parliamentary inquiry.

The PRESIDING OFFICER. Is there objection?

Mr. REID. As long as I don't lose the floor.

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

Mr. HATCH. As I understand it, the amendment, No. 4184, would not be germane.

Mr. REID. I am reclaiming the floor. I say to my friend from Utah, that question has already been answered.

The PRESIDING OFFICER. The Senator from Nevada can reclaim the floor.

Mr. REID. At an appropriate time, I hope we have the opportunity to offer this amendment. I came to the floor Friday and asked unanimous consent that we be allowed to proceed to this. What the minority is saying, is that there is no need to play any parliamentary games. What we want to do is to be able to have an up-or-down vote on amendment No. 4184, whether the underlying legislation was filed on July 25, February 1, or 2 minutes ago. We want a vote on the Latino and Immigrant Fairness Act of 2000. We want a vote. But, if the majority is going to come in here under some parliamentary guise and say that it is not germane, that is their right. But I want everyone to know—and I spread it across the record of this Senate—that is an obstacle that is unnecessary. They should allow us to vote on this if they believe that there should be fairness, as we have tried to outline here today, people who are already here, already working, or trying to work. We are not hauling in new people from outside the borders of the country. We want the people here to have a fair shot. That is all we want. If the majority does not want that, let them vote against it. I started out saying we would have an hour evenly divided. Then I said a half hour evenly divided. We are down to 10 minutes now, 5 minutes a side, that we would take on this.

We want an up-or-down vote. I think it is fair to have an up-or-down vote on this amendment.

Mr. LEAHY. Will the Senator yield for another question?

Mr. REID. Yes, without my losing my right to the floor.

Mr. LEAHY. Mr. President, the Senator from Nevada makes a compelling argument. Consider the extraordinary and, I believe, unprecedented procedure of the majority leader in calling up an amendment of a Democratic Senator who was not consulted. Note that the amendment is the amendment filed just before the amendment that we have been trying to have considered to provide Latino and immigration fairness, the one on which we are being denied consideration or a vote. The amendment on the Latino and Immigrant Fairness Act is something we ought to at least have the guts to stand up and vote up or down on and let the Latino population of this country know where we stand.

I say to my friend from Nevada, this exercise—to me, at least—appears to be an attempt to keep us from voting on something of significance to this country. Isn't this very similar to what we have seen on the question of judges, where anonymous holds from the Republican side have stopped us from voting up or down on judicial nominations for months and years in some cases; and anonymous holds from the Republican side are currently preventing Senate action on the Violence Against Women Act reauthorization; and anonymous holds from the Republican side have been preventing Senate action on the Bulletproof Vest Partnership Grant Act of 2000, a bill to help fund bulletproof vests to protect our State and local police officers; and anonymous holds on the Republican side have prevented passage of the visa waiver legislation; and anonymous holds on the Republican side are preventing the Senate from passing the Computer Crime Enforcement Act? Is there a pattern here? The majority appears not to want to allow the Senate to either vote for or against these measures. They should at least allow us to vote.

Mr. REID. Mr. President, I will respond to only one of the things he has listed because the obvious answer to every one is that he is right. About the bulletproof vests, that is very important to the people of Nevada. Why? Because some people believe that Nevada, is a State that is very rural in nature. That is not true. Nevada is the most urban State in America because 90 percent of the people live in the metropolitan Reno or Las Vegas areas. Ten percent live outside of Reno or Las Vegas. Those 10 percent, in Winnemucca and Lovelock, all through Nevada—those little police departments cannot afford bulletproof vests. As a result of that, we have people who are hurt and not able to do their work as well. Some of them have to buy their own vests and usually they are not very good.

What the legislation the Senator from Vermont has pushed, and we have gotten a little money on some of his legislation, we need to make sure that in rural America, rural Nevada, in places such as Ely and Pioche and police officers in these rural places in Nevada get the same protection against the criminal element that the people who are police officers in the big cities have. So the Senator from Vermont is absolutely right. We have a game being played here; they don't want to vote on tough issues. They have been pretty successful. And, I am sorry to say that they have been successful. We have spent little time debating issues and voting. We have spent a lot of time thinking about what we are going to do next, which is normally nothing.

My friend from Rhode Island has asked that I yield to him for a question, which I will do if I do not lose my right to the floor.

Mr. REED. Mr. President, like the Senator, I am frustrated because we are trying to simply recognize the reality that there are many, many individuals in the United States who have been here for years and who deserve an opportunity to become permanent residents, and it is not only within the Latino community but the Liberian community. These individuals from Liberia came over legally, under temporary protective status. That is one of the pieces of legislation also frustrated by this device to preclude amendments.

I wonder if the Senator might amplify the fact that, indeed, if we were successful to get a vote on this measure, we could also address the issue of 10,000 Liberians who are literally perhaps hours from being deported, except for administrative order, and it is a population that has contributed to our communities; and we should recognize that they deserve the opportunity to adjust to permanent status, and they are being ignored by these parliamentary maneuvers—worse than ignored.

Mr. REID. Mr. President, if there are ever any prizes given by a higher being to someone who cares about a group of people who have no one out there as their advocate or champion, JACK REED from Rhode Island will get one of those prizes. Nobody else has been as vocal a proponent for doing justice to those 10,000 individuals who have no other spokesperson. I congratulate the Senator for being very open and vocal. I have to tell him that but for him his amendment would not be part of this legislation about which we are speaking. I am very proud of the Senator from Rhode Island for the great work he has done.

I also respond in this way. Some of the people I am trying to help in Nevada have been there 30 years—not 30 days, 30 hours, 30 months, but 30 years. They want a fair hearing. When I first went to law school, I heard the words ''due process'' and really didn't know what that meant. I quickly came to learn in law school that it is the foundation of our system of justice. People who are here, no matter how they got here, should be entitled to basic fairness. So I thank my friend from Rhode Island for trying to help more than 10,000 Liberians get a fair hearing. That is basically what this is all about.

My friend from Florida has been on the floor now for a long period of time. He has indicated to me that he has a question. I am happy to yield for a question without my losing the floor.

Mr. GRAHAM. I thank the Senator.

Mr. President, Senator REED from Rhode Island has done an outstanding job of bringing to our attention the plight of those 10,000 Liberians, many of whom are his friends in Rhode Island. I want to talk about another group of about 10,000. That is a group of Haitians. There are many more than 10,000 Haitians who have come to the United States in the last decade, decade and a half, fleeing first the dictatorship of the Duvaliers, and then the military dictatorship that succeeded the Duvaliers. Most of those Haitians came by boat and most had no documentation. They had no papers of any type when they came into the country.

Under the immigration law we passed in 1998, subject to one additional complexity—which I will talk about at another time—which we are trying to get resolved with this legislation, they will be entitled to make their case for legal residence in the United States. I think at this point it is important we indicate that in virtually every instance we are talking about, we are not talking about granting a legal status and, certainly, not granting citizenship. What we are talking about is giving people a chance to apply, and that their application will be accepted and given appropriate due process and consideration. Without the kind of provisions we are trying to accomplish in this Latino and Immigrant Fairness Act, they can't even submit the papers to start the process.

Let me go back to the 10,000 Haitians who arrived by air. The irony is that they tended to be people who were under a particular threat of death or serious abuse and persecution. They felt the necessity not to be able to wait for a boat but to get out as quickly as possible. In order to get on the airplane, they had to go to somebody who counterfeits passports and other documentation that was required to get on the plane and get out of Haiti in the 1980s and early part of the 1990s. When they arrived in the United States they were not without documents. But they had false, counterfeit documents.

If you can believe it, under our current immigration law, we make a distinction between a person who is flying—and arguably in a severe case of persecution—with false documents and is denied the right to apply for legal status, whereas a person who comes with no documents at all is allowed.

This legislation will correct what I think is one of the most indefensible examples of unfairness to people who essentially are in the same condition

but have a minor technical differentiation—in this case, with no documents, OK; and, with false or counterfeit documents precluded from the opportunity to apply. We would eliminate that and allow both the no-document Haitians and the counterfeit-document Haitians the opportunity to submit their case and attempt to persuade the INS to justify granting some legal status in the United States.

They have 10,000—what are referred to as the ''airport Haitians''—immigrants with all of the characteristics that the Senator talked about before. They have lived here a long time. Many of them have established families. Either they have U.S. citizen children or they have become positive members of a community. They have all of the bases to be seriously considered for legal status, but they are being denied even the opportunity to apply because of this peculiarly perverse unfairness in our immigration law, which this legislation—if we had a chance to take it up, debate it, and vote on it—has the chance to rectify.

I appreciate my good friend, Senator REID, giving me this opportunity to ask him the question.

Does the Senator think we ought to seize this moment and correct the unfairness that Senator REED has pointed out with the Liberians—I suggest an equal number of Haitians—in this Nation?

Mr. REID. The Senator from Florida has been such a leader on immigration issues generally but more specifically this issue dealing with Haitians. The State of Florida has been greatly affected by Haitian immigrants. All we are saying is let these people have their status adjusted. If it doesn't work out, they will have to suffer whatever consequences. But don't deny them basic due process.

My friend from Louisiana asked that I yield to her for a question. I would be happy to do so without losing the right to the floor.

Mr. LOTT. Mr. President, before the Senator takes advantage of that time, I would like to make an inquiry.

The PRESIDING OFFICER. Does the Senator from Nevada yield?

Mr. REID. I would be happy to yield to the majority leader without losing my right to the floor, which I lose in 5 minutes anyway.

Mr. LOTT. That is what I was going to inquire about. I believe we are scheduled to take a break in 5 minutes, at 12:30, for the respective party policy luncheons. I had hoped to be able to make some comments and respond to some of the things that were said. I know that Senator HATCH hoped to do that, too. In order to do that, if he is not going to have time yielded, I guess the only alternative would be for me to yield leader time and ask unanimous consent that we extend the time for 5 minutes beyond 12:30. Is that correct, Mr. President?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I ask a question of my good friend from Nevada. The Senator from Florida has raised some interesting questions about a particular group of people whom we, under our amendment, would seek to not give automatic citizenship to but the opportunity to apply. The Senator from Rhode Island has spoken eloquently about a fairly large group of applicants who are just seeking an opportunity to apply.

Does the Senator know that there is a very large group of people from Honduras that are living in the New Orleans area of Louisiana with families that will really be disrupted and separated if we don't provide some kind of response?

I wish the Senator could perhaps shed some light on how difficult it is going to be for me to have to go back to Louisiana and explain to my business leaders that I am trying to help them get visas for people to build the ships we need, to build powerplants to fuel this economy, and to bring people into this Nation, but yet I am not able to get our Senate to help us keep people who are already there employed and working in shipbuilding, running our hotels, and our hospitals.

The leader has done such a good job. I just wanted to come to the floor to say it is going to be very difficult for me to go back and say: While we gave you some help with visas for people to be brought in to help, we are taking people away from you who are already employed, and we weren't able to correct that.

Could the Senator shed some light for people who are following this debate on how it doesn't seem to make sense that on the one hand we are giving new visas to people to come into our country, and yet we are telling employers who are desperate for workers, particularly in my State of Louisiana in the New Orleans area, that we are going to actually take good workers away from them and ship them back to either Honduras or Guatemala or El Salvador?

Mr. REID. Mr. President, my friend from Louisiana is absolutely right. We know there was a promise made to Honduran immigrants in this country that their status would be adjusted the same as the Cubans and the Nicaraguans were adjusted. I was happy to recognize that the Cubans and Nicaraguans who are here deserve that. But for the Hondurans, this country has not lived up to the promise made to these people.

The Senator is absolutely right. That is why we have company after company and organization after organization supporting this legislation. Senator DURBIN has worked very hard on it, and the Senator from Louisiana has worked with him.

As has already been pointed out, supporters of the legislation include the Americans for Tax Reform, Empower American, AFL-CIO, Union of Needletrades and Industrial Textile Employees, Service Employees International Union, National Council of La Raza, League of United Latin American Citizens, Anti-Defamation League, Hadassah, The Women's Zionist Organization, Hebrew Immigrant Aid Society, Lutheran Immigration and Refugee Services, Jesuit Conference, American Bar Association, American Immigration Lawyers Association, Center for Equal Opportunity Club for Growth, Resort Recreation and Tourism Management, and the National School Transportation Association.

All we are saying is that these organizations are well-meaning. Why? Because their livelihoods depend on having people to do the work.

All we want to do is satisfy basic fairness. I think the way that we could have basic fairness is if the majority would allow us the right to vote on amendment No. 4184. It is as simple as that. I know my time is up.

Ms. LANDRIEU. I couldn't agree with the Senator more. I thank the Senator for yielding for that question.

Mr. LOTT. Mr. President, I yield myself a minute of leader time and allot the remainder of the time to Senator HATCH to comment on where we are and some of the things that have been said.

I know there is a lot of clarification and correcting that the RECORD needs.

With regard particularly to workers in shipbuilding, I believe we have plenty of people in my State of Mississippi who would be perfectly happy to fill any job that might be available in the shipyards in my State.

It is very clear what has happened. For weeks, for months, this bill has been delayed, stalled, by all kinds of demands for unrelated amendments, amendments of all kinds. That resistance still continues.

The high-tech industry indicates this is vital to them—big and small—this has to be done, and there is bipartisan support.

The time is here. We are going to see very clearly whether we want to extend these immigrants visas or not. All the delays to change the subject, deflect it, to demand votes on other things which could tangle up and cause problems for this bill will not work. We will file cloture. We are going to have successful cloture and we will either get this bill done or not.

Everybody needs to understand here and outside this Chamber that it is time we get to the issue at hand, that we have a vote, get this work done, and move on.

The Senators are entitled to make their case for other amendments. I thought we recognized last Friday in our exchange that there are other bills, there will be other venues where these amendments could possibly be considered, if that is the will of the House and the Senate and the Congress.

The point is, do we want to pass it or not? Time is running out. It is time to make that decision. We will have a clear vote on it before this week is out.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have heard my friends on the other side talk about how important this is. Why didn't they file the bill before July 25 of this year if it is so darned important, if politics isn't being played here.

Secondly, why did they all vote for this? Forty-three Democrats voted for cloture. If they wanted this amendment, why did they vote for cloture? They understand the rule that, by gosh, we vote for cloture, end debate, so we can pass the bill.

The high-tech industry needs this bill, but it will be brought down if we can't get it passed. The Latino fairness bill has not even had 1 day of hearings. Yet they want to grant amnesty to illegal aliens of at least a half million, and some think up to 2 million people, without 1 day of hearings. Where are the amendments to increase the number of legal immigrants?

In 1996, we had a major debate on immigration and there was a serious effort to restrict the numbers of legal immigrants. I fought the fight to preserve the number of legal immigrants. That is Latino fairness. What my colleagues are advocating is a major amnesty program for illegal immigrants, without 1 day of hearing.

Let's just understand the 1982, 1986 situation. The fact is the bill before us, while termed ''Latino fairness,'' does nothing to increase or preserve the categories of illegal immigrants allowed in this country annually. If you listen to their arguments, why don't we just forget all our immigration laws and let everybody come in? There is an argument for everybody.

We all know what is going on: This is a doggone political game, stopping a very important bill that 94 people basically voted for today in voting to invoke cloture.

Their idea does nothing to shorten the long waiting period or the hurdles of persons waiting years to come to this country, playing by the rules to wait their turn. What we hear is an urgent call to grant broad amnesty to what could be more than a million to two million illegal aliens. Now, let's be clear about what is at issue here. Some refer to the fact that a certain class of persons that may have been entitled to amnesty in 1986, have been unfairly treated and should therefore be granted amnesty now. That is one issue, and I am certainly prepared to discuss—outside the context of S. 2045—what we might be able to do to help that class of persons. But that is not really what S. 2912 is about. Rather, this bill also covers that class plus hundreds of thousands, if not millions of illegal aliens who were never eligible for amnesty under the 1986 Act because that Act only went back to 1982.

This is a difficult issue, Mr. President, and one with major policy implications for the future. When we supported amnesty in 1986, it was not with the assumption that this was going to be a continuous process. What kind of signal does this send? On the one hand, our government spends millions each year to combat illegal immigration and deports thousands of persons each year who are here illegally. But—But if an illegal alien can manage to escape law enforcement for long enough, we reward that person with citizenship, or at least permanent resident status.

Finally, Mr. President, I hope that my colleagues are aware of the cost of this bill to American taxpayers. Specifically, a draft and preliminary CBO estimate indicates this bill comes with a price tag just short of $1.4 billion over 10 years.

The bottom line is that the Senate is not and should not be prepared to consider this bill at this time. It raises far-reaching questions concerning immigration policy, whose consequences have never been addressed by proponents.

Mr. REID. Mr. President, my final few minutes is time that has been given to me by the leader and that time that I claim for myself to deal with the pending legislation, the postcloture debate.

My friend from Utah indicated he was wondering why we didn't file our legislation prior to May of this year. I say to my friend from Utah, as he knows, we have been working on this legislation for more than 2 years, following the 1996 legislation, which has caused much of the controversy and consternation to immigrants. That is the reason this legislation is coming forward—one of the main reasons. Furthermore, one of the main components of the Latino and Immigrant Fairness Act would update the date of registry. I introduced legislation in August of 1999—last year—and updated legislation in April of this year, to change the date of registry. So, I respect this isn't something we just started working on. We have been fighting for these provisions for years.

We have talked about this. In fact, in May of this year, I wrote a letter to the majority leader urging him to move expeditiously to allow us time on the floor to consider the H–1B legislation. There have been no surprises. There has been adequate time for all the committees of jurisdiction to hear this legislation at great length. There have certainly been no surprises.

I repeat what was said earlier in this debate. The Democrats, by virtue of this record, support H–1B. We voted for cloture. We believe this legislation should move forward. But in the process of it moving forward, we think in fairness that the legislation about which we speak; namely, the Latino and Immigrant Fairness Act of 2000, should move forward also.

I repeat, if my friends on the other side of the aisle do not like the legislation, then they should vote against it. We are not trying to take up the valuable time of this Senate. But what we are doing is saying we want to move forward on this legislation, and we are not going to budge from this Congress until this legislation is passed.

We have a record that substantiates the statement I just made. No. 1, we moved Friday, we moved today, to proceed on this legislation. We have been denied that opportunity.

No. 2, we have letters signed by more than 40 Senators and we have more than 150 House Members who have signed a letter to the President, saying if he vetoes this legislation, we will certainly support his veto. Your veto will be based on the fact that the Latino and Immigrant Fairness Act of 2000 is not included in something coming out of this Congress.

What we are looking to, and the vehicle that should go forward, is the Commerce-Justice-State appropriations bill. But if there is some other area, we will also support the President's veto on that.

This legislation, among other things, seeks to provide permanent and legally defined groups of immigrants who are already here, already working, already contributing to the tax base and social fabric of our country, with a way to gain U.S. citizenship. They are people who are already here. They are working or have been working. The only reason they are now not working is because the Immigration and Naturalization Service slipped into the 1996 bill that these people, like the people in Nevada, are not entitled to due process. Some of my constituents in Nevada have not had the ability to have their work permits renewed. They have been rejected. Some have been taken away from them. People lost their homes, their cars, their jobs. I am sorry to say in some instances it has even caused divorce. It has caused domestic abuse, domestic violence. People who have been gainfully employed suddenly find themselves without a job. . .their families torn apart.

We want a vote, an up-or-down vote. As I have said, we don't want a lot of time. We will take 10 minutes, 5 minutes for the majority, 5 minutes by the minority: Vote on this bill. We will take it as it is written.

I think anything less than an up-or-down vote on this shows the majority, who in effect run this Senate, are unwilling to take what we do not believe is a hard vote. From their perspective, I guess it is a hard vote because they do not want to be on record voting against basic fairness for people who are here. Although we are willing to vote to bring 200,000 people to this country—we support that, too—we think in addition to the people who are coming here for high-tech jobs, the people who have skilled and semi-skilled jobs, who are badly needed in this country, also need the basic fairness that this legislation provides.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now

stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:36 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. INHOFE].

The PRESIDING OFFICER. The Senator from Georgia.

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. SESSIONS. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued the call of the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Oklahoma, objects.

Objection is heard.

The clerk will call the roll.

The assistant legislative clerk continued the call of the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. MURKOWSKI. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue the call of the role.

The assistant legislative clerk continued the call of the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## ORDER OF PROCEDURE

Mr. MURKOWSKI. Mr. President, on behalf of the leader, I ask unanimous consent that Senator MCCAIN, Senator BREAUX, and Senator MURRAY be recognized to speak on the issue of pipeline safety for up to 15 minutes, followed by Senator REID for 9 minutes; Senator MURKOWSKI to be recognized to speak for 20 minutes on energy policy; Senator DURBIN for up to an hour on postcloture debate; and that all time be charged to the postcloture debate. Further, I ask unanimous consent that no action occur during the above described time.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, I say to my friend from Alaska we would like to proceed on the postcloture debate as rapidly as possible. We have a number of people who want to speak on that. I hope that this afternoon we can move along.

I also ask that the unanimous consent agreement be changed to allow Senator WELLSTONE 5 minutes for purposes of introduction of a bill. He would follow Senator MURKOWSKI.

The PRESIDING OFFICER. Is there objection?

Mr. REID. The ranking member and the chairman of the committee also asked that following Senator WELLSTONE, Senator HATCH be recognized for 30 minutes and Senator KENNEDY be recognized for 30 minutes.

Mr. MURKOWSKI. I have another request that Senator THOMAS be recognized for 5 minutes in the order.

Mr. REID. Democrat, Republican; Democrat, Republican.

Mr. MURKOWSKI. That is fair enough to me.

Mr. REID. I ask, further, that Senator BIDEN be allowed 15 minutes. We would also say, if there is a Republican who wishes to stand in before that, or after Senator BIDEN, they be given 15 minutes.

Mr. MURKOWSKI. I wonder if I could ask the Presiding Officer—so we will have the clarification of the words—to indicate what the unanimous consent request is.

The PRESIDING OFFICER. The Chair would repeat the original unanimous consent request and add to that, Senator WELLSTONE for 5 minutes, Senator HATCH for 30 minutes, Senator KENNEDY for 30 minutes, Senator THOMAS for 5 minutes, Senator BIDEN for 15 minutes, and a Republican to be named later for 15 minutes, alternating from side to side.

That is the amended unanimous consent request.

Mr. MURKOWSKI. I believe Senator THOMAS wanted to follow Senator WELLSTONE with 5 minutes.

Mr. REID. That is fine.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Louisiana.

Mr. BREAUX. Mr. President, thank you.

## PIPELINE SAFETY LEGISLATION

Mr. BREAUX. Mr. President, I want to take a few minutes to speak to my colleagues in this body as well as to our colleagues in the other body regarding the subject on which the Senate has spent a considerable amount of time; that is, pipeline safety, legislation which passed the Senate by a unanimous vote, with Republicans and Democrats supporting a unanimous consent request to pass this legislation without any dissent and without any arguments against it whatsoever.

On September 9, that bill passed the Senate and is now pending over in the other body where our House colleagues are taking a look at this legislation, trying to figure out what course they should take.

This legislation passed this body by unanimous consent because of the good work for over a year by colleagues in both parties. I particularly commend and thank the chairman, who I understand is coming over from the Commerce Committee, Senator MCCAIN, for his good work and for working with me as a member of the committee but also taking the rather unusual step of inviting other interested Senators to actually participate in the markup in the Commerce Committee.

I credit Senator MCCAIN for making it possible for Senator MURRAY of Washington to come over and actually sit in on the hearings, which is unusual for a Member, to take the time not only to attend to her duties in her own committee but to take time to listen to witnesses in another committee, which she did sitting at the podium with those of us on the Commerce Committee and also participating in asking questions.

It was a good combination between what Senator MCCAIN allowed, which was a little unusual, and what Senator MURRAY was able to participate in because of her strong interest and because of what has happened in her State with the recent tragic accident involving a pipeline which exploded, resulting in the tragic death of individuals from her State.

The result of those hearings was a compromise piece of legislation, which is a 100-percent improvement over the current situation with regard to how we look at the issue of pipeline safety. This is an issue that is extremely important to my State. We have over 40,000 miles of buried natural gas pipelines in the State of Louisiana.

If you look at a map of our State, it shows all of the buried pipelines. It looks like a map of spaghetti in an Italian restaurant because we have pipelines all over our State transporting the largest amount of natural gas coming from the offshore Gulf of Mexico as well as onshore pipelines that distribute gas not just to the constituents of my State but to constituents throughout the United States who depend upon Louisiana for a dependable source of natural gas. Pipelines in Louisiana are important not just to Louisianians but also to people from throughout this Nation.

The bill we have is one that requires periodic pipeline testing. It says if we can do it from an internal inspection, we will do it that way. If that is not possible, we have to do it with what we call a ''direct assessment'' of the lines, which actually means companies would have to dig them up and physically inspect the lines.

We require enhanced operator qualifications to make sure the people who are doing the work are trained and have a background in this particular area. We call for investments in technology to look at better ways of doing what is necessary to ensure their safety.

States would be given an increased role. But I have to say that the primary role would be the Federal Government's because these are interstate pipelines we are talking about under the pipeline safety area.

Communities would also be given increased involvement. I think it is important to let them know where the

lines are and that they are being inspected and also to hear their suggestions. They don't regulate the pipeline safety requirements, but they should be involved by being heard.

I think to the credit of everybody, particularly Senator MURRAY, this type of feature involving local community involvement is 100 percent better than it used to be because in the past there was very little involvement whatsoever.

The problem we take to the floor today to talk about is time. This is not rocket science. We don't have a lot of time to complete this bill. We hope our colleagues in the House who use this Senate vehicle will bring it to the floor in the other body and handle it in an expeditious fashion.

I repeat, this bill passed the Senate by a unanimous vote. It should not be controversial. It should be something that our friends and colleagues in the other body, Republican or Democrat, would be able to say we worked together with our Senate colleagues in an equal fashion and came to an agreement that this is good legislation.

It increases the safety of pipelines that are buried throughout the United States to help assure that we will not have some of the tragic events we have had in the past. The companies we have dealt with in my State support this measure. They want some improvements. They have been very helpful in making suggestions, as well as individuals and groups of concerned citizens who have made recommendations. We have taken all of them into consideration. We have a good piece of legislation that we hope our colleagues will be able to take up. Let's get it signed. If we let some of the details guide the actions in the other body, unfortunately, we may end up with nothing instead of a good bill.

I think we should recommend this to our colleagues and do so today.

Mrs. MURRAY. I thank my colleague from Louisiana for his efforts in making sure we pass a bill that will improve the safety of family and children who work or play near pipelines in this country. He is right; the House has an obligation now to take up the bill that we have passed in the Senate and move it forward. I thank him and I agree with his comments.

We have been joined by the chair of the Commerce Committee, Senator MCCAIN, who has done a tremendous job in moving this legislation forward. I personally thank him, as well.

It has been 16 months since a pipeline exploded in Bellingham, Washington and killed 3 young people. Back then, few Americans knew about the dangers of our Nation's aging pipelines. But in the past year—especially after the explosion in New Mexico last month—it became clear that this Congress had to do more to protect the public.

As my colleagues know, it is difficult to reform any major industry in just one year. But it was clear that we couldn't wait any longer to make pipelines safer. We in the Senate had a responsibility to protect the public, and I am pleased that the bill we passed earlier this month will go a long way to making pipelines safer. It is a dramatic improvement over the status quo.

That's why I've been so dismayed by what has happened in the House in recent weeks. The House of Representatives has not passed—or even marked up—any pipeline bill, but some Members have already called our bill inadequate. They also claim that they can pass a better bill this year—with just a few scheduled legislative days left in this Congress. I don't see it happening.

I have worked on this issue for over a year and that's why I want to address those claims—because they are based on three incorrect assumptions. The first fallacy is that the Senate bill will not improve safety. We worked long and hard over many months to pass a strong bill. And this bill will improve safety.

Let's look at some of the provisions.

Expanding the public's right to know about pipeline hazards;

Requiring pipeline operators to test their pipelines;

Requiring pipeline operators to certify their personnel;

Requiring smaller spills to be reported;

Raising the penalties for safety violators;

Investing in new technology to improve pipeline safety;

Protecting whistle blowers;

Increasing state oversight; and

Increasing funding for safety efforts.

These are clear improvements over the status quo and they will make pipelines safer. This is not a perfect bill, but we should not make the perfect the enemy of the good. Let's take the steps we can now to improve pipeline safety.

Some also suggest that the Senate bill relies on the Office of Pipeline Safety too much. Now it is clear that OPS has not done its job in the past. That is why this bill requires OPS to carry out congressional mandates. And we in Congress have a responsibility to hold OPS accountable for doing its job. I intend to remain vigilant in this area.

Our bill includes more resources for the agency. And today public scrutiny on the agency—especially after a report by the General Accounting Office and a report I requested from DOT's inspector general—have put the agency under a microscope. I am confident that OPS today has a renewed commitment to safety. And I am pleased our bill includes the right amount of new resources and tools to make pipelines safer.

Let me turn to another assumption that has been made by some.

They suggest this bill could be amended significantly this year. That's a long process even under normal circumstances. And this year there are only a few days left. I don't see how it could happen this year.

So some critics say—we'll start again next year—we'll do better next year. That means it will be at least a year—maybe longer before the issue is even brought up again.

And how can we have so much faith that we'll get anything stronger—or anything at all—under a new Congress and a new President?

Let me ask a simple question:

Would you take that bet if your family's safety depended on it? I wouldn't. And I don't think we can shirk our responsibility to protect the public this year.

Before I finish, I do want to say something about those who have raised concerns about the Senate bill. They are good people with good motives.

In some cases, they have paid too high a price. They want safer pipelines. That is exactly what I want. Unfortunately, here in Congress—their position ends up ''making the perfect the enemy of the good.'' And that means no reform at all.

Looking for some ''better bill'' really means no bill at all this year. Rejecting the Senate bill really means accepting the inadequate, unsafe status quo for at least another year. I don't want another American family to look at this Congress and say, ''why did you drop the ball when you were so much closer to improving safety?''

Passing the Senate bill means we will finally get on the road to making pipelines safer. Once we're on that road we can always make course corrections. But we've got to get on that road to start with and that's why I urge my colleagues in the House to pass the Senate bill immediately.

We've got a strong bill. Let's put it into law.

Let me make it clear: It is critical that the House take up this bill this year. Senator MCCAIN has done an outstanding job. We owe the people in my State, New Mexico, and other States that have had accidents, to do the right thing this year. I encourage this Congress to act.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Arizona.

Mr. MCCAIN. Mr. President, before she leaves the floor, I thank Senator MURRAY. Without her unrelenting efforts and that of her colleague, Senator GORTON, I know we would not have passed the legislation through the Senate, and I know it would not have been as comprehensive nor as carefully done. I thank the Senator from Washington for her outstanding work, including that on behalf of the families who suffered in this terrible tragedy in her home State. I come to the floor today to once again bring to the attention of my colleagues the urgency of passing and sending to the President pipeline safety improvement legislation. While the Senate acted two weeks ago and passed S. 2438, the Pipeline Safety Improvement Act of 2000, the House has yet to take action on pipeline safety legislation. Despite the efforts of Mr. FRANKS, chairman of the

House Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation, who has introduced pipeline safety legislation that is almost identical to S. 2438, the full House has not advanced a pipeline safety bill. Time is running out.

I thank our colleague from Louisiana, Senator BREAUX, for his active participation. His knowledge and expertise on this issue has been essential.

Mr. President, each day that passes without enactment of comprehensive pipeline safety legislation like that approved unanimously by the Senate places public safety at risk. As my colleagues may recall, just prior to Senate passage of the Pipeline Safety Improvement Act, a 12-inch propane pipeline exploded in Abilene Texas, after being ruptured by a bulldozer. That accident resulted in the fatality of a police officer. Sadly, that accident brings the total lives that have been lost in recent accidents to 16.

In Abilene, the victim was a 42-year-old police detective who just happened to pass by in his car as the propane exploded across State Highway 36. Just last month, 12 individuals lost their lives near Carlsbad, New Mexico, after the rupture of a natural gas transmission line. And we cannot forget about last year's tragic accident in Bellingham, Washington, that claimed the lives of three young men.

I repeat what I said two weeks ago during the Senate's consideration of the Pipeline Safety Improvement Act: we simply must act now to remedy identified safety problems and improve pipeline safety. To do less is a risk to public safety and will perhaps result in even more needless deaths.

It is my hope that I will not have to come to this floor again to implore our colleagues in the House to take action. It is not typical for me to urge the other body to take up a Senate bill without modification, but time is running out.

I also point out the strong support of our legislation by the administration.

I will quote from Secretary Slater's press release issued after Senate passage of S. 2438:

> I commend the U.S. Senate for taking swift and decisive action in passing the Pipeline Safety Improvement Act of 2000. This legislation is critical to make much-needed improvements to the pipeline safety program. It provides for stronger enforcement, mandatory testing of all pipelines, community right-to-know information, and additional resources.

I further want to point out my disappointment that some in the other body are willing to put safety at risk for what appears to be pure political gain.

I am aware of a series of ''Dear Colleagues'' transmitted by some in the House harshly criticizing the Senate bill. This same bill, unanimously approved by the Senate, is strongly supported by Secretary Slater for being a strong bill to advance safety. Therefore, I find the criticism by a handful of House Members quite revealing when one of those harshest critics only last year voted in support of moving a clean 2-year reauthorization of the Pipeline Safety Act out of the House Commerce Committee and the other critic has not taken any action that I have seen to advance pipeline safety during this session. They just don't want a bill because they are betting on being in charge next year. That is the kind of leadership the American people would reject.

I do not consider enacting S. 2438 to be the end of our work in this area. Indeed, I commit to our colleagues to continue our efforts to advance pipeline safety during the next Congress.

I am willing for the committee to continue to hold hearings on pipeline safety and will work to advance additional proposals that my colleagues submit to promote it. But little more can be done in the time remaining in the session. I don't see how it could be possible to move any other pipeline safety bill prior to adjournment. Therefore, it is urgent for the House to act now.

The time is long overdue for Congress and the President to take action to strengthen and improve pipeline safety. We simply cannot risk the loss of any more lives by lack of needed attention on our part. Therefore, I urge my colleagues in the House to join ranks and support passage of pipeline safety reform legislation immediately so we can send the bill on to the President for his signature. Lives are at risk if we don't act now.

I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, may I ask how much time I am allotted under the unanimous consent agreement?

The PRESIDING OFFICER. The Senator from Alaska is provided up to 20 minutes.

## ENERGY

Mr. MURKOWSKI. Mr. President, I rise to address the Energy bill which has been introduced by Senator LOTT. We have had a good deal of discussion about this country's continuing dependence on imported petroleum products, particularly crude oil, to the point that currently we are about 58-percent dependent.

As a consequence of the concern over the lack of adequate heating oil supplies, particularly in the eastern seaboard, the President, on the recommendation of the Vice President, made a determination to release about 30 million barrels from the Strategic Petroleum Reserve. That is a significant event.

I question the legality of that action. I question the meaning or significance of that action, but we can get into that a little later in my comments. I am also going to touch on our realization of the high price of natural gas, following our recognition of our dependence on imported oil.

Oftentimes, we do not see ourselves as others see us. I am going to read a paragraph from the New York Times article of September 26 called ''Candidate In The Balance.'' It is by Thomas L. Friedman.

I quote:

> Tokyo. It's interesting watching the American oil crisis/debate from here in Tokyo. The Japanese are cool as cucumbers today—no oil protests, no gas lines, no politicians making crazy promises. That's because Japan has been preparing for this day since the 1973 oil crisis by steadily introducing natural gas, nuclear power, high-speed mass transit and conservation, and thereby steadily reducing its dependence on foreign oil. And unlike the U.S., the Japanese never wavered from that goal by falling off the wagon and becoming addicted to S.U.V.'s—those they just make for the Americans.

I think there is a lot of truth to that. As we reflect on where we are today, I think we have had an acknowledgement at certain levels within the administration that they have been ''asleep at the wheel'' relative to our increasing dependence on imported oil.

This did not occur overnight. This has been coming on for some time. We can cite specifics over the last 7 or 8 years, and in every section, U.S. demand is outpacing U.S. supply.

We saw crude oil prices last week at a 10-year high—$37 a barrel—twice what they were at this time last year.

It is rather interesting to note the Vice President's comments the other day that the high price of oil was due to profiteering by big oil. That is certainly a convenient political twist, isn't it—profiteering by big oil. There was no mention that last year big oil was very generously making crude oil available at $10 a barrel. You think they did that out of generosity? Who sets the price of oil? Does Exxon? British Petroleum? Phillips?

Big oil isn't the culprit; it is our dependence on the supplier. Who is the supplier? The supplier is OPEC, Saudi Arabia, Venezuela, Mexico. They have it for sale. We are 58-percent dependent, so they set the price.

With crude oil at a 10-year high, gasoline prices are once again above $1.57, $1.59, in some areas $2 a gallon.

Natural gas—here is the culprit, here is what is coming, here is the train wreck—$5.25 to $5.30 for deliveries in the Midwest next month. What was it 9 months ago? It was $2.16. Think of that difference.

Utilities inventories are 15-percent below last winter's level. How many homes in America are dependent on natural gas for heating? The answer is 50 percent, a little over 50 percent; that is, 56 million homes are dependent on natural gas in this country. How many on fuel oil? Roughly 11 million.

What about our electric power generation? Fifteen percent of it currently comes from natural gas. What is the increasing demand for natural gas? We

are consuming 22 trillion cubic feet now. The projections are better than 30 trillion cubic feet by the year 2010.

The administration conveniently touts natural gas as its clean fuel for the future, but it will not allow us to go into the areas where we can produce more.

I remind my colleagues, I remind the Secretary of Energy, and I remind the Vice President and the President, there is no Strategic Petroleum Reserve for natural gas. You can't go out and bail this one out, Mr. President. The administration has placed Federal lands off limits to new natural gas exploration and production.

More than 50 percent of the overthrust belt—the Rocky Mountain area, Montana, Wyoming, Colorado—has been put off limits for exploration. We have a Forest Service roadless policy locking up an additional 40 million acres; a moratorium on OCS drilling until the year 2012. The Vice President said he would even consider canceling existing leases.

You have a situation with increased demand and no new supply. What does this add up to? Higher energy prices for consumers this winter—a train wreck. This is going to happen. Yet the administration sits idly by and hopes the election can take place before the voters read their fuel bills.

So there we are. We now have situations in California, in San Diego, of electricity price spikes. We have possible brownouts. The reason is, there is no new generation. You can't get permits for coal-fired plants.

It takes so long to get new generation on line.

Heating and fuel oil inventories, as I have indicated, are at the lowest level in decades, leaving us unprepared for winter. It is a lack of overall energy policy.

As to nuclear energy, 20 percent of the total power generated in this country comes from it. We can't address what to do about the waste. This body stands one vote short of a veto override to proceed with the commitments that we made to take that waste from the industry, waste that the consumers have been paying for the Federal Government to take for the last two decades.

Consumers have paid about $11 billion into that fund. The Federal Government was supposed to take the waste in 1998. It is in breach of its contract. The court has ruled that the industry can recover, and they can bypass anything but the Court of Claims. That is how far that has gone.

Let's look at crude oil and SPR.

With crude oil prices on the rise again, the administration has had to go back to OPEC time and time again to ask for more foreign oil. The assumption is, if they ask for 800,000 barrels, we get 800,000 barrels. We get 17 percent of that. That is about 130,000 barrels. That is our portion. Everybody gets some of OPEC's increased production.

Foreign imports into this country in June were 58 percent. Compare that with 36 percent during the 1973 Arab oil embargo. Recall the gasoline lines around the block at that time. The public was outraged. They blamed everybody, including Government. Sounds familiar, doesn't it?

Ask Tony Blair from Great Britain how he feels about the protests in England and everywhere else in Europe. It is threatening some governments.

To ensure we have a supply to fall back on, in 1973, 1974, 1975, we created the Strategic Petroleum Reserve or SPR. That was our response to the Arab oil embargo. We have about 571 million barrels of storage in SPR. SPR was set up to respond to a severe supply interruption, not to manipulate consumer price for a political effect.

We can only draw down about 4.1 million barrels per day from SPR. Remember something a lot of Americans, a lot of people in the media, do not understand: The Strategic Petroleum Reserve is not full of heating oil or gasoline or kerosene. It is full of crude oil. The crude oil has to be transported to a refinery. Our refineries are running at 96 percent of capacity.

The Vice President wants to release 30 million barrels from SPR to ''lower prices'' for consumers. I question the legality of that at this time because a drawdown can only occur if the President has found that a severe energy supply interruption has occurred. The Secretary released oil without any such finding. His excuse is that this is not a drawdown; it is a swap or an exchange.

This is the largest release of oil from SPR in its 25-year history, larger than during the gulf war.

Secretary Richardson stated today that the 30 million barrels of crude released from SPR may produce 3 to 5 million barrels of new heating oil. The U.S. uses 1 million barrels of heating oil per day.

So the obvious increase is 3, 4, 5 days' supply. That is not very much, is it? The Secretary's action regarding SPR may have an impact on price but may not have a significant impact on the supply of heating oil. That is just the harsh reality.

What about others? Well, Secretary of the Treasury Summers has indicated it is bad policy. He felt so strongly, he wrote a letter to Alan Greenspan. We have a copy of the memorandum that went from Mr. Summers, Secretary of the Treasury, to Alan Greenspan. I will refer to it in a moment.

Releasing SPR now weakens our ability to respond later to real supply emergencies. That is obvious to everyone. But I do want to enter into the RECORD this letter, a memorandum of September 13 from Lawrence H. Summers, Secretary of the Treasury, to the President. The memorandum is entitled ''Strategic Petroleum Reserve.'' Page 2, top paragraph:

> Using the SPR at this time would be seen as a radical departure from past practice and an attempt to manipulate prices. The SPR was created to respond to supply disruptions and has never been used simply to respond to high prices or a tight market.

I don't think there is any question about the intent of that statement. It is bad policy. Alan Greenspan has indicated an agreement, or at least that is the impression we get.

The action that I indicated was illegal is illegal because it requires a Presidential finding. It is contrary to the intent of the authority for the transfer. And besides, we have not reauthorized the Strategic Petroleum Reserve. It is held up in this body by a Senator on the other side who is objecting to the reauthorization of EPCA, which contains the reauthorization for the Strategic Petroleum Reserve. Releasing SPR oil now, as I indicated, weakens our ability to respond later to real supply emergencies.

Where were we 7 years ago with regard to SPR? We had an 86-day day supply of crude oil in SPR. Today, we have a 50-day supply. The administration has previously sold almost 28 million barrels. They sold it at a loss of $420 million, the theory being you buy high and you sell low. I guess the taxpayers foot the bill by making it up with the increased activity. I don't know what their logic has been, but that is the history.

Earlier this year, the Vice President stated: Opening SPR would be a compromise on our national energy security. He made that statement. Obviously, he has seen fit to change his mind. Everybody can change their minds, but nevertheless I think it represents an inconsistency. What we need is a real solution, reducing our reliance on foreign oil by increasing domestic production and using alternative fuels, incentives, conservation, weatherization. I could talk more on that later.

Also, it is interesting to note that the Vice President indicated his familiarization with SPR, that he was instrumental in the setting up of it. As we have noted, he was not in the Senate under the Ford administration when it was established. That is kind of interesting because it suggests that he is happy to get aboard on the issue and, again, may have had a significant role, but it is pretty hard to find the record showing him having an active role.

Another point is our increased dependence on Saddam Hussein and the threat to our national security in the sense that we are now importing about 750,000 barrels of oil from Iraq a day. Just before this administration, we carried out Desert Storm, in 1991–1992. We had 147 Americans killed, 460 wounded, 23 taken prisoner. We continued to enforce, and continue today to enforce, a no-fly zone; that is, an aerial blockade. We have had flown over 200,000 sorties since the end of Desert Storm. It is estimated to cost the American taxpayer about $50 million. Yet this administration appears to become more reliant on Iraqi oil.

What we have is a supply and demand issue. Domestic production has declined 17 percent; domestic demand has

gone up 14 percent. Iraq is the fastest growing source of U.S. foreign oil—as I said, 750,000 barrels a day, nearly 30 percent of all Iraq's exports. We have been unable to proceed with our U.N. inspections in Iraq. There is illegal oil trading underway with other Arab nations; we know about it. Profits go to development of weapons of mass destruction, training of the Republican Guard, developing missile delivery capabilities, biological capabilities.

This guy is up to no good; there is absolutely no question about it. The international community is critical of the sanctions towards Iraq. But consider this: Saddam Hussein is known to put Iraqi civilians in harm's way when we retaliate with aerial raids. Saddam has used chemical weapons against his own people in his own territory. He could have ended sanctions at any time—by turning over his weapons of mass destruction for inspection; that is all. Yet he rebuilds his capacity to produce more. He cares more about these weapons than he apparently cares about his own people. That he is able to dictate our energy future is a tragedy of great proportion. Still, the administration doesn't seem to get the pitch. Saddam gets more aggressive. His every speech ends with ''death to Israel.'' If there is any threat to Israel's security, it is Saddam Hussein.

He has a $14,000 bounty on each American plane shot down by his gunnery crews. He accuses Kuwait of stealing Iraqi oil—here we go again—the same activity before he invaded Kuwait in 1990. Saddam is willing to use oil to gain further concessions. The U.N. granted Kuwait $15 billion in gulf war compensation. Iraq has retaliated and said it will cut off exports. OPEC's spare capacity can't make up the difference.

He has the leverage. We really haven't focused in on that. The U.N. postpones compensation hearings until after U.S. elections for fear of the impact on the world market. He is dictating the terms and conditions. He says: You force me to pay Kuwait and I will reduce production. We can't stand that because that is the difference between roughly the world's capacity to produce oil and the world's demand for that oil. And Saddam Hussein holds that difference.

I ask unanimous consent to proceed for another 7 minutes.

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

Mr. MURKOWSKI. I thank the Chair.

I will try this approach because I think it references our foreign policy. If I get this right, we send him our dollars, he sells us the oil, we put the oil in our airplanes and go bomb him. Have I got that right? We buy his oil, fill our planes, and go bomb him. What kind of a foreign policy is that? He has us over a barrel, and it is a barrel of oil.

Another issue that is conveniently forgotten is refinery supply. Supply of crude oil is not the only issue. Even if we had more, we don't currently have the capacity to refine it. That is what is wrong with releasing oil from SPR. We don't have the ability for our refineries to take more product currently. That is unfortunate, but it is a reality.

We had a hearing this morning. The industry said they are up to maximum capacity with refinery utilization at 96 percent. We haven't built a new refinery for nearly a quarter century. We have had 36 refineries closed in this country in the last 10 years. This is due to EPA regulations.

We have the issue of reformulated gas. We have nine different geographical reformulated gasolines in this country. The necessity of that is the dictate from EPA. I am not going to go into that, but fuels made for Oregon are not suitable for California; fuels made for Maryland can't be sold in Baltimore; Chicago fuels can't be sold in Detroit. We are making designer gasoline. The result: Refiners do not have the flexibility to move supplies around the country or respond to the shortages.

The administration's response? Well, it is pretty hard to identify. They are trying to duck responsibility, hoping this issue will go away before the election takes place and the voters get their winter fuel bills. They are trying to keep this ''train wreck'' from occurring on their watch. They blame ''big oil'' for profiteering.

Think this thing through. Big oil profiteering: Where was big oil when they gave it away at $10 a barrel last year? Who sets the price? Well, it is OPEC, Saudi Arabia, Venezuela, and Mexico, because they have the leverage; they have the supply. I think the American people are too smart to buy the issue of big oil profiteering. And the issue related to the industry is that during the time that we had $10 oil, we weren't drilling for any gas. We lost about 57,000 gas wells, and I think 136,000 oil wells were taken out of production. Many were small.

So if we look at the areas where we get our energy, it is pretty hard to assume that there is any support in the area of domestic production and exploration because there is a reluctance to open up public land.

We have seen 17 percent less production since Clinton-Gore took office. They oppose the use of plentiful American coal. EPA permits make it uneconomic. We haven't had a new coal-fired plant in this country in the last several years. They force the nuclear industry to choke on its own waste. Yet the U.S. Federal Court of Appeals now says the utilities with nuclear plants can sue the Federal Government because it won't store the waste. That could cost the taxpayer $40 billion to $80 billion. They threaten to tear down the hydroelectric dams and replace barge traffic on the river system by putting it on the highways. That is a tradeoff? They ignore electric reliability and supply concerns, price spikes in California, no new generation or transmission. They claim to support increased use of natural gas while restricting supply and preventing new exploration.

The Vice President indicated in a speech in Rye, NH, on October 21, 1999, he would oppose further offshore leasing and would even look to canceling some existing leases. Where are we headed? Downhill. It means higher natural gas prices, higher oil prices, higher gasoline and fuel oil prices, plus higher electricity prices. That equals, in my book, inflation.

We have been poking inflation in the ribs with higher energy prices, driving all consumer prices higher. One-third of our balance of payments is the cost of imported oil. We are a high-tech society. We use a lot of electricity for our activities—computer activities, e-mail, and everything else. All this boils down to the makings of a potential economic meltdown.

What we need is a national energy strategy which recognizes the need for a balanced approach to meeting our energy needs. We need all of the existing energy sources. We have the National Energy Security Act before us on this floor. We want to increase energy efficiency, maximize utilization of alternative fuels/renewables, and increase domestic oil supply and gas production. We want to reauthorize EPCA, reauthorize the Strategic Petroleum Reserve. Our bill would increase our domestic energy supplies of coal, oil, and natural gas by allowing frontier royalty relief, improving Federal oil/gas lease management, providing tax incentives for production, and assuring price certainty for small producers.

We want to allow new exploration. Twenty percent of the oil has come from my State of Alaska in the last two decades. We can open up the Arctic Coastal Plain safely, and everybody knows it. The reason is that we want to promote new clean coal technology, protect consumers against seasonal price spikes, and foster increased energy efficiency.

Regardless of how you say it, American consumers really need to understand that this train wreck is occurring and it is occurring now. We have to develop a balanced and comprehensive energy strategy, one that takes economic and environmental factors into account at the same time, and one that provides the prospect of a cleaner, more secure energy in the future.

We have this energy strategy. We have it proposed. It is on the floor of this body. This administration does not. They are just hoping the train wreck doesn't happen on their watch. The consequences of over 7 years of failed Clinton-Gore energy policies are now being felt in the pocketbooks of working American families. Mr. President, we deserve better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized for up to 1 hour.

## THE ENERGY CRISIS

Mr. DURBIN. Mr. President, I would be remiss, following the remarks of the Senator from Alaska, if I didn't comment on the whole energy issue, which is one of great concern to families, individuals, and businesses across America.

I have listened carefully as critics of the Clinton-Gore administration came out with statistics about the reason for our plight today. One that is often quoted, and was quoted again by the Senator from Alaska, is the fact that we have not built a new refinery in the United States for the last 24 years. I have heard this over and over again. There are two things worth noting. If I am not mistaken, during the last 24 years, in only 8 of those years have we had a Democratic administration. So if there has been any laxity or lack of diligence on the energy issue, I think that statement reflects on other administrations as much as, if not more than, the current administration.

Secondly, the people who make that statement hardly ever note that existing refineries have been expanded dramatically across the United States. That is the case in Illinois and in so many other States. I think it is worth noting that to say we have ignored the increased energy demands for our economy is not a complete statement. We have responded to them. The question, obviously, is whether we have responded enough.

There have also been statements made as to whether oil companies have been guilty of price gouging or profiteering. Those of us in the Midwest who, this spring, endured increases in gasoline prices of $1 a gallon, and more, in a very short period of time did not believe that market forces were at work. We believed what was at work was the forces of monopolies that virtually can dictate prices to American consumers. We were not alone in our belief. The Federal Trade Commission, after looking at the issue, could find no reasonable economic or market explanation for this increase in gasoline prices in Chicago or Milwaukee.

The other side would blame the Environmental Protection Agency and virtually everybody connected with the Clinton administration. Yet there was no evidence to back up those claims. As a consequence, the FTC is investigating oil companies to determine whether or not they did take advantage of consumers, businesses, and families across the Midwest. We believe it cost tens of millions of dollars to our local economy, and I believe if any fine is ultimately imposed on the oil companies, it should go to benefit the businesses and families who were the victims of these high gasoline prices by these oil companies.

The Senator from Alaska also made reference to the decision of this administration within the last few days to release oil on a swap basis from the Strategic Petroleum Reserve. It was a hot topic. Mr. Bush and Mr. GORE were involved in this debate for a long period of time. The question, obviously, is whether or not it is going to have any impact on our growing concern about the cost of fuel and energy, particularly the cost of heating oil. Well, we might be able to speculate for a long time, but we don't have to.

I call the attention of my colleagues in the Senate to this morning's Washington Post in the business section. The headline reads ''Price of Crude Oil Drops Below $32.'' Let me read from this article by Kenneth Bredemeier of the Washington Post:

> The price of oil fell to its lowest level in a month yesterday in the wake of the Clinton administration's announcement last week that it is releasing 30 million barrels of oil from the Strategic Petroleum Reserve to help ensure adequate supplies of home heating oil this winter.

He goes on:

> ''It was not unexpected,'' said John Lichtblau, chairman of the Petroleum Industry Research Foundation. ''It reflects the fact that inventories will be increased. This is not a sharp decline, but it is headed in the right direction. They could fall somewhat more.''
>
> Lichtblau said that while very recently there had been speculation about $40-a-gallon oil, ''now there's speculation that it will drop to below $30. The assumption has changed directionally.''

So those who would argue against Vice President GORE and President Clinton's position on the Strategic Petroleum Reserve, saying it won't help consumers and families and it won't help businesses, frankly, have been proven wrong by this morning's headline in the business section of the Washington Post. This is not a campaign publication, this is a report on the realities of the market. Of course, we can't stop with that effort. We have to continue to look for ways to reduce the cost of energy so that families and businesses can continue to profit in our strong economy.

But I think the suggestion of the Senator from Alaska embodied in this bill that we begin drilling for oil in the Arctic National Wildlife Refuge in his State is the wrong thing to do.

I recently ran into the CEO of a major oil company in Chicago. I asked him about this. How important is ANWR to the future of petroleum supplies in the United States? He said: From our company's point of view, it is a nonissue. There are plenty of sources of oil in the United States that are not environmentally dangerous situations. He believes—and I agree with it—that you do not have to turn to a wildlife refuge to start drilling oil in the arctic, nor do you have to drill offshore and run the risk of spills that will contaminate beaches for hundreds of miles. There are sources, he said, within the U.S. that are not environmentally sensitive that should be explored long before we are pushed to the limit of finding sources in these environmentally sensitive areas.

But the Senator from Alaska and many of our colleagues are quick to want to drill in these areas first. Their motive I can't say, but I will tell you that I don't believe it is necessary from an energy viewpoint. There are plenty of places for us to turn. But drilling for new oil energy sources is not the sole answer, nor should it be. We should be exploring alternative fuel situations.

They come to the floor regularly on the other side of the aisle and mock the suggestion of Vice President GORE in his book ''Earth In The Balance'' that we look beyond the fossil-fueled engine that we use today in our automobiles, trucks, and buses and start looking to other sources of fuel that do not create environmental problems. They think that is a pipedream; that it will never occur. Yet they ignore the reality that two Japanese car companies now have a car on the road that uses a combination of the gas-fired engine with electricity; with fossil-fueled engines, and those that do not rely only on fossil fuels to prove you can get high mileage without contaminating the atmosphere.

I am embarrassed to say again that the vehicles we are testing first come from other countries. But they are proving it might work. We should explore it. It seems an anathema to my friends on the other side of the aisle to consider other energy sources.

But if we can find, for example, a hydrogen-based fuel which does not contaminate the atmosphere and gives us the prospect of providing the energy needs of this country, why wouldn't we explore that? Why shouldn't we push for that research?

That is the point made by Vice President GORE. It is a forward visionary thing that, frankly, many people in the boardrooms of oil companies might not like to consider. But I think we owe it to our kids and future generations to take a look at that.

To go drilling in wildlife refuges and off the shores of our Nation with the possibility of contaminating beaches is hardly an alternative to sound research. I think we should look at that research and consider it as a real possibility.

## H–1B VISA LEGISLATION

Mr. DURBIN. Mr. President, the reason for my rising today is to address the issue that is pending before us, which is the H–1B visa bill. This is a bill which addresses the issue of immigration.

Immigration has been important to the United States. But for the African Americans, many of whom were forced to come to the U.S. against their will in slavery, most of us, and our parents and grandparents before us, can trace our ancestry to immigrants who came to this country. I am one of those people.

In 1911, my grandmother got on a boat in Germany and came across the ocean from Lithuania landing in Baltimore, MD, and taking a train to East St. Louis, IL. She came to the United

States with three of her children. Not one of them spoke English. I am amazed when I think about that—that she would get on that boat and come over here not knowing what she was headed to, not being able to speak the language, unaware of the culture, and taking that leap of faith as millions have throughout the course of American history.

What brought her here? A chance for a better life—economic opportunity, a better job for her husband, and for her family, but also the freedoms that this country had to offer. She brought with her a little prayer book that meant so much to her and her Catholic church in Lithuania. It was printed in Lithuanian. It was banned by Russian officials who controlled her country. This woman who could barely read brought this prayer book, considered contraband, because it meant so much to her. She knew once she crossed the shores and came into America that freedom of religion would guarantee that she could practice her religion as she believed.

She came, as millions did, in the course of our history—providing the workers and the skills and the potential for the growth of this economy and this Nation.

As we look back on our history, we find that many of these newcomers to America were not greeted with open arms. Signs were out: ''Irish Need Not Apply.'' People were giving speeches about ''mongrelizing the races in America.'' All sorts of hateful rhetoric was printed and spoken throughout our history. In fact, you can still find it today in many despicable Internet sites. That has created a political controversy around the issue of immigration, which still lingers.

It wasn't that long ago that a Republican Governor of California led a kind of crusade against Hispanic immigration to his State. I am sure it had some popularity with some people. But, in the long run, the Republican Party has even rejected that approach to immigration.

The H–1B visa issue is one that really is a challenge to all of us because what we are saying is that we want to expand the opportunity for people with skills to come to the United States and find jobs on a temporary basis. We are being importuned by industry leaders and people in Silicon Valley who say: You know, we just can't find enough skilled workers in the United States to fill jobs.

We ask permission from Congress, through the laws, to increase the number of H–1B visas that can be granted each year to those coming to our shores to work and to be part of these growing industrial and economic opportunities.

Historically, we have capped those who could be granted H–1B visas—115,000 in fiscal year 1999 and fiscal year 2000, and 107,500 in fiscal year 2001. The bill we are debating today would increase the number of people who could be brought in under these visas to 195,000 per year.

I think it is a good idea to do this. I say that with some reluctance because I am sorry to report that we don't have the skilled employees we need in the United States. Surely we are at a point of record employment with 22 million jobs created over the last 8 years. But we also understand that some of the jobs that need to be filled can't be filled because the workers are not there with the skills. We find not worker shortages in this country but skill shortages in this country.

I think there are two things we ought to consider as part of this debate. First, what are we going to do about the skill shortage in America? Are we going to give up on American workers and say, well, since you cannot come up with the skills to work in the computer and technology industry we will just keep bringing in people from overseas? I certainly hope not.

I think it is our responsibility to do just the opposite—to say to ourselves and to others involved in education and training that there are things we can do to increase and improve our labor pool.

The second issue I want to address in the few moments that I have before us, is the whole question of immigration and fairness.

Many of us on the Democratic side believe that if we are going to address the issue of immigration that we should address it with amendments that deal with problems which we can identify.

I came to the floor earlier and suggested to my colleagues that in my Chicago office, two-thirds of our casework of people calling and asking for help have immigration problems. I spend most of my time dealing with the Immigration and Naturalization Service. Sometimes they come through like champions. Many times they do not. People are frustrated by the delays in their administrative decisions; frustrated by some of the laws they are enforcing; and frustrated by some of the treatment that they receive by INS employees.

What we hope to do in the course of this bill is not only address the need of the high-tech industry for additional H–1B visas and jobs, but also the need for fairness when it comes to immigration in our country.

In the midst of our lively and sometimes fractious debates in the Senate, I hope we can all at least take a moment to step back and reflect on our very good fortune. We are truly living in remarkable times. The economy has been expanding at a record pace over the last 8 or 10 years. A few years ago we were embroiled in a debate on the Senate floor about the deficits and the growing debt in this country. We now find that the national topic for debate is the surplus and what we can do with it. What a dramatic turnaround has occurred in such a short period of time. It has occurred because more Americans are going to work and more people are making more money. As they are more generous in their contributions to charities and as they are paying more in taxes at the State and Federal level, we are finding surpluses that are emerging in this country. That, of course, is the topic of discussion.

Unemployment is at a historic low. So are poverty rates. Our crime rates are coming down. Household incomes have reached new heights. Our massive Federal debt—an albatross around the neck of the entire Nation—has all but vanished, replaced by surpluses that have inspired more than a bit of economic giddiness.

We have a need in this country for many high-skilled technology workers. We are all witnesses to this incredible technological revolution, the Internet revolution that is unfolding at a pace almost too rapid for the imagination to absorb. Indeed, in many respects it has been a revolution in modern information technology that has revolutionized the fields of business, medicine, biology, entertainment, and helped to spur our robust economy.

When I visit the classrooms across Illinois, particularly the grade school classrooms, I ask the kids in the classroom if they can imagine living in a world without computers. They shake their heads in disbelief. I remember those days, and I bet a lot of people can, too. It was not that long ago. Technology has transformed our lives. These two phenomena, a vibrant economy and an amazing technology, have combined to create an unprecedented level of need in American industry for skilled technology workers, for men and women to design the systems, write the software, create the innovations, and fix the bugs for all the marvelous technology that sits on our desktops or rides in our shirt pockets.

The Information Technology Association of America reports the industry will need an additional 1.6 million workers to fill information technology positions this year. A little more than half of these jobs will go unfilled due to a shortfall of qualified workers. Mr. President, 1.6 million workers are needed; with only 800,000 people we cannot fill the jobs.

Another trend marks our modern age, the trend towards economic globalization. The other day, we passed the legislation for permanent normal trade relations with China. It is not surprising that our industries are looking for highly skilled workers in the United States. When they can't find them here, they start looking in other countries.

Why should workers in another country want to uproot themselves, leave their homes and families, and make the long journey here? The same reason that my grandparents did, and their parents might have before them. They made the journey because for thousands, America is the fairest, freest, greatest country there is. It is a land like no other, a land of real opportunity, a land where hard work and

good values pay off, a land where innovation, creativity, and hard work are cherished and rewarded, a land where anyone, whether a long-time resident whose family goes back to the Revolutionary War, or a brand-new immigrant clutching a visa that grants them a right to work, can achieve this American dream.

We have before the Senate this bill to open the door for that dream to greater numbers of high-tech workers, workers the information technology industry needs to stay vital and healthy. It is a good idea to open that door wider. I support it. It is the right thing to do. We can do it in the right manner. We can meet the demanding needs of the technology situation and create a win-win situation for all American workers, no matter what their craft or what their skills, while avoiding the pitfalls that a carelessly crafted high-tech visa program would create.

To do it the right way, we have to consider the following: First, we must make available to industry an ample number of high-tech worker visas through a program that is streamlined and responsive enough to work in ''Internet time.''

At the same time, we must set appropriate criteria for granting these high-tech visas. There is a temptation to hire foreign workers for no other reason than to replace perfectly qualified American workers. Perhaps it is because foreign workers are deemed more likely to be compliant in the workplace for fear of losing their visa privileges or because they are willing to work for lower wages, or because they are less expectant of good work benefits.

Whatever the perception, we must be on guard against any misuse of the visa program. There must be a true need, a type of specialty that is so much in demand that there is a true shortage of qualified workers.

We must also bear in mind that we have not just one, but two principal goals that must be held in balance. The first goal is to fulfill a short-term need by granting high-tech visas. The second, and ultimately more important goal, is to meet our long-term need for a highly skilled workforce by making sure there are ample educational opportunities for students and workers here at home. A proposal to address this need will receive strong support if it embraces the goal of training our domestic workforce for the future demands of the technology industry and provides the mechanisms and revenue to reach that goal.

It is interesting that in every political poll that I have read, at virtually every level, when asking families across America the No. 1 issue that they are concerned with, inevitably it is education. I have thought about that and it has a lot to do with families with kids in school, but it also has a lot to do with the belief that most of us have in America—that education was our ticket to opportunity and success. We want future generations to have that same opportunity.

I see my friend, Senator WELLSTONE from Minnesota. He has taught for many years and is an expert in the field of education. I will not try to steal his thunder on this issue. But I will state that as I read about the history of education in America, there are several things we should learn, not the least of which is the fact that at the turn of the last century, between the 19th and 20th century, there was a phenomena taking place in America that really distinguished us from the rest of the world.

This is what it was: Between 1890 and 1918, we built on average in the United States of America one new high school every single day. This wasn't a Federal mandate. It was a decision, community by community, and State by State, that we were going to expand something that no other country had even thought of expanding—education beyond the eighth grade. We started with the premise that high schools would be open to everyone: Immigrants and those who have been in this country for many years. It is true that high schools for many years were segregated in part of America until the mid-1950s and 1960s, but the fact is we were doing something no other country was considering.

We were democratizing and popularizing education. We were saying to kids: Don't stop at eighth grade; continue in school. My wife and I marvel at the fact that none of our parents—we may be a little unusual in this regard, or at least distinctive —went beyond the eighth grade. That was not uncommon. If you could find a good job out of the eighth grade on a farm or in town, many students didn't go on.

Around 1900, when 3 percent of the 17-year-olds graduated from high school, we started seeing the numbers growing over the years. Today 80 or 90 percent of eligible high school students do graduate.

What did this mean for America? It meant that we were expanding education for the masses, for all of our citizenry, at a time when many other countries would not. They kept their education elite, only for those wealthiest enough or in the right classes; we democratized it. We said: We believe in public education; we believe it should be available for all Americans. What did it mean? It meant that in a short period of time we developed the most skilled workforce in the world.

We went from the Tin Lizzies of Henry Ford to Silicon Valley. We went from Kitty Hawk to Cape Canaveral. In the meantime, in the 1940s, when Europe was at war fighting Hitler and fascism, it was the United States and its workforce that generated the products that fought the war not only for our allies but ultimately for ourselves, successfully.

That is what made the 20th century the American century. We were there with the people. We invested in America. Education meant something to everybody. People went beyond high school to college and to professional degrees. With that workforce and the GI bill after World War II, America became a symbol for what can happen when a country devotes itself to education.

Now we come into the 21st century and some people are resting on their laurels saying: We proved how we can do it. There is no need to look to new solutions. I think they are wrong. I think they are very wrong. Frankly, we face new challenges as great as any faced by those coming into the early days of the 20th century. We may not be facing a war, thank God, but we are facing a global economy where real competition is a matter of course in today's business.

We understand as we debate this H–1B visa bill, if we are not developing the workers with the skills to fill the jobs, then we are remiss in our obligation to this country. Yes, we can pass an H–1B visa as a stopgap measure to keep the economy rolling forward, but if we don't also address the underlying need to come to the rescue of the skill shortage, I don't think we are meeting our obligation in the Senate.

(Mr. GORTON assumed the chair.)

Mr. WELLSTONE. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield to my colleague from Minnesota.

## H–1B VISAS

Mr. WELLSTONE. I wanted to ask the Senator—I know Illinois is an agricultural State, as is mine. Many of our rural citizens, for example, desperately want what I think most people in the country want, which is to be able to earn a decent living and be able to support their families. At the same time we have our information technology companies telling us—I hear this all the time; I am sure the Senator from Illinois hears this—listen, we need skilled workers; we don't have enough skilled workers; and we pay good wages with good fringe benefits. Is the Senator aware we have people in rural America who are saying: Give us the opportunity to develop these skills? Give us the opportunity to be trained. Give us the opportunity to telework. With this new technology, we can actually stay in our rural communities. We don't have to leave.

Is the Senator aware there are so many men and women, for example, in rural America—just to talk about rural America—who are ready to really do this work, take advantage of and be a part of this new economy, but they don't have the opportunity to develop the skills and to have the training? Is that what the Senator is speaking to?

Mr. DURBIN. The Senator is right. I am sure he finds the same thing that I do in rural Illinois when he goes through Minnesota. There are towns

literally hanging on by their fingernails, trying to survive in this changing economy, and some of them are responding in creative ways. In Peoria, they have create a tech center downtown, jointly sponsored by the Chamber of Commerce, the local community, and the community college, where they are literally bringing in people, some our ages and older, introducing them to computers and what they can learn from them. So they are developing skills within their community, the lifelong learning that I mentioned earlier.

Down in Benton, IL, which is a small town that has been wracked by the end of the coal mining industry, for the most part, in our State, they have decided in downtown Benton not to worry about flowers planted on the streets but rather to wire the entire downtown so they will be able to accommodate the high-tech businesses that might be attracted there. They are trying to think ahead of the curve.

I am not prepared to give up on American workers. I know Senator WELLSTONE is not, either. We need to address the need for more training and education in rural and urban areas alike.

Mr. WELLSTONE. Could I ask the Senator one other question? I am in complete agreement with what the Senator is saying. I had hoped to introduce an amendment to the H–1B bill that dealt with the whole issue of telework. I think we could have gotten a huge vote for it because this is so important to what we call greater Minnesota.

I wish to pick up on something the Senator said earlier. He talked about his own background. The last thing I am going to do is to go against immigrants and all they have done for our country. I am the son of an immigrant. I have a similar background to that of my colleague, but I wanted to give one poignant example. I think we both tend to draw some energy just from people we meet.

On Sunday, the chairman of the Federal Communications Commission—and I give Chairman Kennard all the credit in the world—came out to Minnesota to do a 3-day work session with Native Americans. When we talk about Native Americans, we are talking about first Americans, correct?

Mr. DURBIN. Yes.

Mr. WELLSTONE. Do you know what they are saying? They are saying: In our reservations, we have 50-percent-plus poverty. In fact, they are saying it is not only the Internet; they still don't have phone service for many. What they are saying is they want to be part of this new economy. They want the opportunity for the training, the infrastructure, the technology infrastructure.

Yet another example: I am all for guest workers and immigrants coming in. But at the same time we have first Americans, Native Americans—I see my colleague from Maryland is here. We talk about the digital divide—who are way on the other side of the digital divide. There is another example which I think we have to speak to in legislation at this time.

Mr. DURBIN. I agree with Senator WELLSTONE. As he was making those comments, I thought to myself, that is right up Senator MIKULSKI's alley, and I looked over my shoulder and there in the well of the Senate she is. Senator MIKULSKI addressed this issue of providing opportunities to cross the digital divide so everybody has this right to access. I invite the Senator to join us at this point. We were talking about the H–1B bill that addresses an immediate need but doesn't address the needs of the skill shortage which she raised at our caucus luncheon, or the digital divide. I would like to invite a question or comment from the Senator from Maryland on those subjects.

Ms. MIKULSKI. I thank the Senator for his advocacy on this issue.

First of all, I acknowledge the validity of the high-tech community's concerns about the availability of a high-tech workforce. The proposal here is to solve the problem by importing the people with the skills. I am not going to dispute that as a short-term, short-range solution. But what I do dispute is that we are precluded from offering amendments to create a farm team of tech workers. This is what I want to do if I would have the right to offer an amendment.

We do not have a worker shortage in the United States of America. I say to the Senator, and to my colleagues, we have a skill shortage in the United States of America. We have to make sure the people who want to work, who have the ability to work, have access to learning the technology so they can work in this new economy.

The digital divide means the difference between those who have access to technology and know how to use technology. If you are on one side of the divide, your future as a person or a country is great. If you are on the wrong side, you could be obsolete.

I do not want to mandate obsolescence for the American people who do not want to be left out or left behind. That is why I want to do two things: No. 1, have community tech centers —1,000 of them—where adults could learn by the day and kids could learn in structured afterschool activities in the afternoon. Then, also, to increase the funding for teacher training for K–12, where we would have a national goal that every child in America be computer literal by the time they finish the eighth grade. And maybe they then will not drop out.

That is what we want to be able to do. I do not understand. Why is it that farm teams are OK for baseball but they are not OK for technology workers, which is our K–12?

I share with the Senator a very touching story. A retail clerk I encounter every week in the course of taking care of my own needs was a minimum wage earner. I encouraged her to get her GED and look at tech training at a local community college. She did that. In all probability she is going to be working for the great Johns Hopkins University sometime within the month. She will double her income, she will have health insurance benefits, and it will enable enough of an income for her husband to take a breather and also get new tech skills.

But they have to pay tuition. They could do those things. I think we need to have amendments to address the skill shortage in the United States of America.

Mr. DURBIN. I thank the Senator from Maryland. She has been a real leader on this whole question of the digital divide. She caught it before a lot of us caught on. Now she is asking for an opportunity to offer an amendment on this bill. Unfortunately, it has been the decision of the leadership in this Chamber that we will not be able to amend this bill. We can provide additional visas for these workers to come in from overseas on a temporary basis, but they are unwilling to give us an opportunity to offer amendments to provide the skills for American workers to fill these jobs in the years to come.

Alan Greenspan comes to Capitol Hill about every 3 or 4 weeks. Every breath he takes is monitored by the press to find out what is going to happen next at the Federal Reserve. On September 23, he gave an unusual speech for the Chairman of the Federal Reserve. He called on Federal lawmakers to make math and science education a national priority. Who would have guessed this economist from the Federal Reserve, the Chairman, would come and give a speech about education, but he did. He called on Congress:

> . . . to boost math and science education in the schools.
>
> He said it was ''crucial for the future of our nation'' in an increasingly technological society.
>
> He noted 100 years ago—the time I mentioned, when we started building high schools in this country at such a rapid rate—only about 1 in 10 workers was in a professional or technical job, but by 1970 the number had doubled. Today those jobs account for nearly one-third of the workforce.
>
> Greenspan said just as the education system in the early 20th century helped transform the country from a primarily agricultural, rural society to one concentrated in manufacturing in urban areas, schools today must prepare workers to use ever-changing high-technology devices such as computers and the Internet. . . .
>
> ''The new jobs that have been created by the surge in innovation require that the workers who fill them use more of their intellectual potential,'' Greenspan said. . . .'' This process of stretching toward our human intellectual capacity is not likely to end any time soon.''

If we acknowledge that education and training is a national problem and a national challenge, why isn't this Congress doing something about it?

Sadly, this Congress has a long agenda of missed opportunities and unfinished business. This is certainly one of them. For the first time in more than

two decades, we will fail to enact an Elementary and Secondary Education Act. At a time when education is the highest priority in this country, it appears that the Senate cannot even bring this matter to the floor to debate it, to complete the debate, and pass it into law.

It is an indictment on the leadership of the House and the Senate that we will not come forward with any significant education or training legislation in this Congress.

We will come forward with stopgap measures such as H–1B visas to help businesses, but we will not come forward to help the workers develop the skills they need to earn the income they need to realize the American dream.

I remember back in the 1950s, when I was a kid just finishing up in grade school, that the Russians launched the satellite, Sputnik. It scared us to death. We didn't believe that the Russians, under their Communist regime, and under their totalitarian leadership, could ever come up with this kind of technology, and they beat us to the punch. They put the first satellite into space.

Congress panicked and said: We have to catch up with the Russians. We have to get ahead of them, as a matter of fact. So we passed the National Defense Education Act, which was the first decision by Congress to provide direct assistance to college students across America. I am glad that Congress did it because I received part of that money. I borrowed money from the Federal Government, finished college and law school, and paid it back. And thousands like me were able to see their lives open up before them.

It was a decision which led to a stronger America in many ways. It led to the decision by President Kennedy to create the National Aeronautics and Space Administration, putting a man on the moon and, of course, the rest, as they say, is history.

Why aren't we doing the same thing today? Why aren't we talking about creating a National Security Education Act? Senator KENNEDY has a proposal along those lines. I would like to add to his proposal lifetime learning so that workers who are currently employed, as Senator WELLSTONE said, have a chance to go to these tech centers that Senator MIKULSKI described, to community colleges, and to other places, to develop the skills they need to fill these jobs that we are now going to fill with those coming in from overseas.

Make no mistake—I will repeat it for the RECORD—I have no objection to immigration. As the son of an immigrant, I value my mother's naturalization certificate. It hangs over my desk in my office as a reminder of where I come from. But I do believe we have an obligation to a lot of workers in the U.S. today who are looking for a chance to succeed. Unfortuantely, we are not going to have that debate. The decision has been made by the leadership that we just don't have time for it.

Those who are watching this debate can look around the Chamber and see that there are not many people here other than Senator WELLSTONE and myself. There has not been a huge cry and clamor from the Members of the Senate to come to the floor today. The fact is, we have a lot of time and a lot of opportunity to consider a lot of issues, and one of those should be education.

I might address an issue that Senator WELLSTONE raised earlier, as well as Senator MIKULSKI. How will workers pay for this additional training? How can they pay for the tuition and fees of community colleges or universities? It is a real concern.

In my State, in the last 20 years, the cost of higher education has gone up between 200 and 400 percent, depending on the school. A lot of people worry about the debt they would incur. I am glad to be part of an effort to create the deductibility of college education expenses and lifetime learning expenses. I think if you are going to talk about tax relief—and I am for that—you should focus on things that families care about the most and mean the most to the country.

What could mean more to a family than to see their son or daughter get into a school or college? And then they have to worry about how they are going to pay for it. If they can deduct tuition and fees, it means we will give them a helping hand in the Tax Code to the tune of $2,000 or $3,000 a year to help pay for college education.

I think that is a good tax cut. I think that is a good targeted tax cut, consistent with keeping our economy moving forward, by creating the workforce of the future. It is certainly consistent with Alan Greenspan's advice to Congress, as he looks ahead and says, if we want to keep this economy moving, we have to do it in a fashion that is responsive to the demands of the workplace. Many Members have spoken today, and certainly over the last several months, of the importance of skills training.

Robert Kuttner, who is an economist for Business Week, wrote:

> . . . what's holding back even faster economic growth is the low skill level of millions of potential workers.

I think that is obvious. As I said earlier, in visiting businesses, it is the No. 1 item of concern. The successful businesses in Illinois, when I ask them, What is your major problem? they don't say taxes or regulations—although they probably mention those—but the No. 1 concern is, they can't find skilled workers to fill the jobs, good-paying jobs. It really falls on our shoulders to respond to this need across America.

The sad truth is, we have allowed this wonderful revolution to pass many of our people by. We have to do something about American education. It is imperative that we look to our long-term needs, expanding opportunities in our workforce.

This means providing opportunities in schools, but also it means after-school programs, programs during the summer, worker retraining programs, public-private partnerships, and grants to communities to give the workforce of the future a variety of ways to become the workers of the 21st century.

As far as this is concerned, I say, let a thousand flowers bloom, let communities come forward to give us their most creative, innovative ideas on how they can educate their workforce and students to really address these needs.

We have to improve K-through-12 education. I will bet, if I gave a quiz to people across America, and asked—What percentage of the Federal budget do you think we spend on education K through 12? Most people would guess, oh, 15, 20, 25 percent. The answer is 1 percent of our Federal budget. One percent is spent on K-through-12 education.

Think about the opportunities we are missing, when we realize that if we are going to have more scientists and engineers, you don't announce at high school graduation that the doors are open at college for new scientists and engineers.

Many times, you have to reach down, as Senator WELLSTONE has said, to make sure that the teachers are trained so that they know how to introduce these students to the new science and the new technology so that they can be successful as well. That is part of mentoring for new teachers. It is teacher training for those who have been professionals and want to upgrade their skills.

I would like to bring that to the Senate floor in debate. I would like to offer an amendment to improve it. But no, we can't. Under this bill, all we have is the H–1B visa. Bring in the workers from overseas; don't talk about the needs of education and training in America.

In addition to improving K-through-12 education, we also have to look to the fact that science and math education in K-through-12 levels really will require some afterschool work as well.

It has been suggested to me by people who are in this field that one of the most encouraging things they went through was many times a summer class that was offered at a community college or university, where the best students in science and math came together from grade schools and junior highs and high schools to get together and realize there are other kids of like mind and like appetite to develop their skills. I think that should be part of any program.

The most recent National Assessment of Educational Progress has noted that we are doing better when it comes to the number of students who are taking science courses. We are doing better when it comes to SAT scores in science and math. But clearly we are not going to meet the needs of the 21st century unless we make a dramatic improvement.

Teacher training, as I mentioned, is certainly a priority. In 1998, the National Science Foundation found that 2 percent of elementary schoolteachers had a science degree—2 percent in 1998; 1 percent had a math degree; an additional 6 percent had majored or minored in science or math education in college. In middle schools, about 17 percent of science teachers held a science degree, 7 percent of math teachers had a degree in mathematics; 63 percent of high school science teachers had some type of science degree; and 41 percent of math teachers in high school had a degree in that subject.

It is a sad commentary, but a fact of life. In the town I was born in, my original hometown, East St. Louis, IL, I once talked to a leader in a school system there. It is a poor school system that struggles every day.

He said, he'd allow any teacher to teach math or science if they express a willingness to try, because they couldn't attract anyone to come teach with a math and science degree. We can improve on that. We can do better. There are lots of ways to do that, to encourage people to teach in areas of teacher shortages and skill shortages, by offering scholarships to those who will use them, by forgiving their loans if they will come and teach in certain school districts, by trying to provide incentives for them to perhaps work in the private sector and spend some time working in the schools. All of these things should be tried. At least they should be debated, should they not, on the floor of the Senate? And we are not going to get that chance. Instead, we will just limit this debate to the very narrow subject of the HB visa.

We also need to reach out to minorities. When it comes to developing science and engineering degrees, we certainly have to encourage those who are underrepresented in these degree programs. The National Science Foundation reports that African Americans, Hispanics, and Native Americans comprise 23 percent of our population but earn 13 percent of bachelor's degrees, 7 percent of master's degrees, and 4.5 percent of doctorate degrees in science and engineering.

Recruiting young people in the high-tech field will require initiatives to not only improve the quality of math and science education but also to spark kids' interest. I talked about the summer programs in which we can be involved, but there are many others as well. The National Defense Education Act should be a template, a model, as the GI bill was, for us to follow. It really was a declaration by our Government and by our people that the security of the Nation at that time required the fullest development of the mental resources and technical skills of its young men and women. That was said almost 50 years ago. It is still true today. The time is now for the Congress to step up to the plate and reaffirm our commitment to education.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Approximately 13 minutes.

Mr. DURBIN. I thank the Chair.

Let me close by addressing another critically important amendment which is not being allowed with this bill. It is one of which I am a cosponsor with Senators KENNEDY and JACK REED of Rhode Island and HARRY REID of Nevada. It is entitled the Latino and Immigrant Fairness Act. There are many issues which come to the floor of the Senate, but there are few that enjoy the endorsement and support of both the AFL–CIO and the national Chamber of Commerce. This bill is one of them.

What we wanted to propose as an amendment was a change in our immigration laws to deal with some issues that are truly unfair. While we look to address the needs of the tech industry, we should not do it with blinders on. There are many other sectors of this robust economy—perhaps not as glamorous as the latest ''dot-com'' company but still very much in need of able and energetic workers—that have difficulty finding workers they need in the domestic workforce. Oddly enough, many of these workers are already here. They are on the job. They are raising families. They are contributing to their communities. They are paying taxes. But they are reluctant to step forward.

I am speaking now of immigrants who come to this country in search of a better life. Many immigrants left their homelands against their will. They left because of the appallingly brutal conditions they encountered, whether at the hands of despotic Central American death squads or in the chaotic collapse of much of Eastern Europe. To stay there in those countries meant death for themselves and their families.

I am reminded of those immortal words of Emma Lazarus on our Statue of Liberty: Give me your tired, your poor.

Maybe some of these immigrants are tired. Who could blame them? Many of them are poor. I can tell you this: Whether people come from other lands to work in high-tech jobs, as the H–1B visa bill addresses, or clean the offices, wash the dishes, care for our children, care for our grandparents and parents in nursing homes, these are some of the hardest working people you will ever see. As Jesse Jackson said in a great speech at the San Francisco Democratic Convention: They get up and go to work every single day.

Here they are in this new land, looking to make the best new start they possibly can. But for many of these immigrants, we require them to make that effort with one hand, and maybe even both hands, tied behind their backs. I am afraid our current immigration laws are so cumbersome, so complex, and so inherently unfair that thousands of immigrants to this country are afraid to become fully integrated into the workforce, afraid because our laws, our regulations, and sometimes the unpredictable policies of the INS have created a climate of uncertainty and fear.

Employers are looking for workers. The workers are looking for jobs. But they are afraid to step forward. There are thousands upon thousands of people in this country, this great country of ours, who are being treated unfairly—people who have lived here now for years, sometimes decades, but are still forced to live in the shadows, where they are loathe to get a Social Security number, respond to a census form, or open a bank account. People who are an essential component of this thriving economy—everybody knows this. People who are doing jobs that most other people simply do not want to do. Yet we refuse them the basic rights and the opportunities that should belong to all of us.

There is no other way to say it: This is simply a matter of an unfair system, created by our own hands here on Capitol Hill, that is ruining lives, tearing families apart, and keeping too many people in poverty and fear. We have the means at hand to change this. With an amendment to this bill, we can rally the forces in the Senate to change the immigration laws and make them fairer. My good colleagues, Senators KENNEDY and REED, and I have made a vigorous effort to bring these issues to the floor. We have been stopped at every turn in the road. We want to have a vote on the bill, the Latino and Immigrant Fairness Act.

I can't go back to my constituents in Illinois and tell them, yes, we made it easy to bring in thousands of high-tech workers because Silicon Valley had their representatives walking through the Halls of Congress and on the floor of the Senate and the House, but we couldn't address your needs because you couldn't afford a well paid lobbyist. No, we have to do the very best we can to be fair to all. That is a message that will inspire confidence in the work we do in the Senate.

Let me tell you briefly what this bill does. This bill, the Latino and Immigrant Fairness Act, supported by both organized labor and the Chamber of Commerce, establishes parity; that is, equal treatment for immigrants from Central America and, I would add, from some other countries, such as Liberia, where Senator REED of Rhode Island has told us that literally thousands of Liberians who fled that country in fear of their lives, by October 1 may be forced to return to perilous circumstances unless we change the law; where those who have come from Haiti, Honduras, Guatemala, El Salvador, Eastern Europe, and other countries, who are here because of their refugee status seeking asylum, may see the end of that status come because the Congress failed to act. We will have their future in our hands and in our hearts. I hope the Senate and Congress can respond by passing this reform legislation.

We also have decided, since 1921, from time to time to give those who have

been in the United States for a period of time, sometimes 14 years, and have established themselves in the community, have good jobs, have started families, pay their taxes, don't commit crime, do things that are important for America—to give them a chance to apply for citizenship. It is known as registry status. The last registry status that we enacted was in 1986, dating back to 1972. We think this should be reenacted and updated so there will be an opportunity for another generation.

Finally, restoring section 245(i) of the Immigration Act, a provision of the immigration law that sensibly allowed people in the United States who were on the verge of gaining their immigration status to remain here while completing the process. This upside down idea has to be changed—that people have to return to their country of birth while they wait for the final months of the INS decision process on becoming a citizen. It is terrible to tear these families apart and to impose this financial burden on them.

I hope we will pass as part of H–1B visa this Latino and Immigrant Fairness Act. It really speaks to what we are all about in the Congress, the House of Representatives and the Senate.

Many people have said they are compassionate in this political campaign. There are many tests of compassion as far as I am concerned. Some of these tests might come down to what you are willing to vote for. I think the test of compassion for thousands of families ensnared in the bureaucratic tangle of the INS is not in hollow campaign promises. The test of compassion for thousands from El Salvador, Guatemala, Honduras, and Haiti refugees asking for equal treatment is not in being able to speak a few words of Spanish. The test of compassion for hard-working people in our country who are forced to leave their families to comply with INS requirements is not whether a public official is willing to pose for a picture with people of color.

The test is whether you are willing to actively support legislation that brings real fairness to our immigration laws. That is why I am a cosponsor of this effort for the 6 million immigrants in the U.S. who are not yet citizens, who are only asking for a chance to have their ability to reach out for the American dream, a chance which so many of us have had in the past.

These immigrants add about $10 billion each year to the U.S. economy and pay at least $133 billion in taxes, according to a 1998 study. Immigrants pay $25 billion to $30 billion more in taxes each year than they receive in public services. Immigrant businesses are a source of substantial economic and fiscal gain for the U.S. citizenry, adding at least another $29 billion to the total amount of taxes paid.

In a study of real hourly earnings of illegal immigrants between 1988, when they were undocumented, and 1992 when legalized, showed that real hourly earnings increased by 15 percent for men and 21 percent for women. Many of these hard-working people are being exploited because they are not allowed to achieve legal status. The state of the situation on the floor of the Senate is that we are giving speeches instead of offering amendments. It is a sad commentary on this great body that has deliberated some of the most important issues facing America.

Those watching this debate who are witnessing this proceeding in the Senate Chamber must wonder why the Senate isn't filled with Members on both sides of the aisle actively debating the important issues of education and training and reform of our immigration laws. Sadly, this is nothing new. For the past year, this Congress has done little or nothing.

When we see all of the agenda items before us, whether it is education, dealing with health care, a prescription drug benefit under Medicare, the Patients' Bill of Rights for individuals and families to be treated fairly by health insurance companies, this Congress has fallen down time and time again. It is a sad commentary when men and women have been entrusted with the responsibility and the opportunity and have not risen to the challenge. This bill pending today is further evidence that this Congress is not willing to grapple with the important issues that America's families really care about.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I be allowed to speak for up to 10 minutes as in morning business.

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

(The remarks of Mr. WELLSTONE pertaining to the introduction of S. 3110 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

## H–IB VISAS

Mr. WELLSTONE. Mr. President, I would like to also speak now about the H–1B bill on the floor.

I ask unanimous consent that I have 10 minutes to speak on that legislation.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair. I will not speak a long time. But I want to raise a couple of issues that other colleagues have spoken to as well.

I come from a State with a very sophisticated high-tech industry. I come from a State that has an explosion of information technology companies. I come from a State that has a great medical device industry. I come from a State that is leading the way.

I am very sympathetic to the call on the part of business communities to be able to get more help from skilled labor, including skilled workers from other countries. I am more than sympathetic to what the business community is saying. I certainly believe that immigrants—men and women from other countries who help businesses and work, who stay in our country—make our country a richer and better country.

I am the son of a Jewish immigrant who was born in Ukraine and who fled persecution from Russia. But I also believe that it is a crying shame that we do not have the opportunity—again, this is the greatness of the Senate—to be able to introduce some amendments: an amendment that would focus on education and job training and skill development for Americans who could take some of these jobs; an amendment that deals with telework that is so important to rural America, and so important to rural Minnesota.

I hope there is some way I can get this amendment and this piece of legislation passed, which basically would employ people in rural communities, such as some of the farmers who lost their farms, who have a great work ethic, who want to work, and who want to have a chance to develop their skills for the technology companies that say they need skilled workers. They can telework. They can do it from home or satellite offices. It is a marriage made in heaven. I am hoping to somehow still pass that legislation. I hope it will be an amendment on this bill because, again, it would enable these Americans to have a chance.

My colleague from New Mexico is one of the strongest advocates for Native Americans. This was such an interesting meeting this past Sunday in Minnesota. I give FCC Chairman Kennard a lot of credit for holding a 3-day workshop for people in Indian country who not only don't have access to the Internet but who still don't have phones. They were talking about guest workers and others coming to our country. These were the first Americans. They were saying: we want to be a part of this new economy; we want to have a chance to learn the skills. We want to be wired. We want to have the infrastructure.

I hope there can be an amendment that speaks to the concerns and circumstances of people in Indian country.

Finally, I think the Latino and Immigrant Fairness Act is important for not only the Latino community but also for the Liberian community. I am worried about the thousands of Liberians in Minnesota who at the end of the month maybe will have to leave this country if we don't have some kind of change. This legislation calls for permanent residency status for them. But I am terribly worried they are going to be forced to go back. It would be very dangerous for them and their families. I certainly think there is a powerful, moral, and ethical plan for the Latino and Latina community

in this legislation. We had hoped that would be an amendment. Again, it doesn't look as if we are going to have an opportunity to present this amendment. I don't think that is the Senate at its best.

I will vote for cloture on a bill that I actually think is a good piece of legislation but not without the opportunity for us to consider some of these amendments. They could have time limits where we could try to improve this bill. We can make sure this is good for the business community and good for the people in our country who want to have a chance to be a part of this new economy, as well as bringing in skilled workers from other countries. I think we could do all of it. It could be a win-win-win.

The Senate is at its best when we can bring these amendments to the floor and therefore have an opportunity to represent people in our States and be legislators. But when we are shut down and closed out, then I think Senators have every right to say we can't support this. That is certainly going to be my position.

I yield the floor.

## HEALTH CARE LEGISLATION PROVISIONS

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent to speak for up to 10 minutes.

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

Mr. DOMENICI. Mr. President, I note the presence of Senator KENNEDY on the floor. I want to say to Senator KENNEDY and to Senator FRIST—who is not on the floor, but I have seen him personally—that I thank both of them for their marvelous efforts in having included in the health care bill, which was recently reported out, SAMSHA, and about five or six provisions contained in a Domenici-Kennedy bill regarding the needs of those in our country who have serious impairment from mental illness.

We did not expect to get those accomplished this year. We thank them for it. We know that we will have to work together in the future to get them funded. But when we present them to the appropriators, they will understand how important they are.

I thank the Senator.

## ENERGY POLICY

Mr. DOMENICI. Mr. President, I spoke yesterday for a bit and in the Energy Committee today for a bit about energy policy. I guess I believe so strongly about this issue that I want to speak again perhaps from a little different vantage point.

I would like to talk today about the ''invisible priority'' that has existed in the United States for practically the last 8 years. The ''invisible priority'' has been the supply of reliable affordable energy for the American people.

Let me say unequivocally that we have no energy policy because the Interior Department, the Environmental Protection Agency, and the Energy Department all have ideological priorities that leave the American consumer of energy out in the cold.

Making sure that Americans have a supply of reliable and affordable energy, and taking actions to move us in that direction, is the ''invisible priority.'' And that is giving the administration the benefit of the doubt.

''Not my job'' is the response that the Interior Department of the United States gives to the energy crisis and to America's ever-growing dependence upon foreign oil and, yes, I might say ever-growing dependence upon natural gas. The other alternatives, such as coal, nuclear, or other—''not my job.''

It is also the response that the Environmental Protection Agency gives when it takes actions, promulgates rules, and regulations. Their overall record suggests—let me repeat— ''not my job,'' says the Environmental Protection Agency.

The Interior Department, making drilling for oil and natural gas as difficult as possible, says, ''Don't bother us.''

''It is not my job'', says the Department of Interior. The Environmental Protection Agency's job is to get a good environmental policy based on sound science and be the enemy of an ideologically pure environmental policy at the expense of providing energy that we need.

My last observation: In summary, the ''Energy Department'' is an oxymoron. It is anti-nuclear but pro-windmills. I know many Americans ask: what is the Senator talking about? Nuclear power is 20 percent of America's electricity. At least it was about 6 months ago. We have an Energy Department for this great land with the greatest technology people, scientists and engineers, that is pro-windmills and anti-nuclear.

I will say, parenthetically, as the chairman of the Energy and Water Subcommittee on Appropriations, the last 3 years we put in a tiny bit of money for nuclear energy research and have signed it into law as part of the entire appropriation, and we do have a tiny piece of money to look into the future in terms of nuclear power. It is no longer nothing going on, but it is a little bit.

Boy, do we produce windmills in the United States. The Department of Energy likes renewables. All of us like them. The question is, How will they relieve the United States from the problem we have today? I guess even this administration and even the Vice President, who is running for President, says maybe we have a crisis. Of course we have a crisis. The Federal Government spent $102 million on solar energy, $33 million on wind, but only $36.5 million on nuclear research, which obviously is the cleanest of any approach to producing large quantities of electricity.

Sooner or later, even though we have been kept from doing this by a small vocal minority, even America will look back to its early days of scientific prowess in this area as we wonder how France is doing it with 87 percent of their energy produced by nuclear powerplants.

With all we hear about nuclear power from those opposed, who wouldn't concede that France exists with 87 percent or 85 percent of its energy coming from nuclear powerplants? They do, and their atmosphere is clean. Their ambient air is demonstrably the best of all developed countries because it produces no pollution.

We have an administration that, so long as we had cheap oil, said everything was OK, and we couldn't even seek a place to put the residue from our nuclear powerplants, the waste product. We couldn't even find a place to put it. We got vetoes and objections from the administration. Yet there are countries such as France, Japan, and others that have no difficulty with this problem; it is not a major problem to store spent fuel.

Let me move on to wind versus nuclear. Nuclear produced 200 times more electricity than wind and 2,000 times more than solar. As I indicated, solar research gets three times more funding than nuclear research and development.

The wind towers—we have seen them by the thousands in parts of California and other States, awfully strange looking things. They are not the old windmills that used to grace the western prairie. They have only two prongs. They look strange.

We are finding wind towers kill birds, based on current bird kill rates. Replacing the electric market with wind would kill 4.4 million birds. I am sure nobody expects either of those to happen. However, more eagles were killed in California wind farms than were killed in the *Exxon Valdez* oil spill.

The Energy Department calls wind a renewable energy policy, and the Sierra Club calls wind towers the Cuisinart of the air.

I will discuss the SPR selloff. For almost 8 years, energy has been the ''invisible priority'' for the U.S. Government led by Bill Clinton and the current Vice President.

Incidentally, the Vice President, who is running for President, had much to do with this ''invisible priority;'' he was the administration's gatekeeper on almost all matters that dealt with the Environmental Protection Agency and almost all matters that dealt with the Department of the Interior in terms of the production of energy on public land.

Let me talk about the SPR selloff for a minute. Treasury Secretary Summers warned President Clinton that the administration's proposal—now decision—to drive down energy prices by opening the energy reserve would be ''a major and substantial policy mistake.'' He wrote the President, and Chairman

Greenspan agreed, that using the SPR to manipulate prices, rather than adhering to its original purpose of responding to a supply disruption, is a dangerous precedent. Summers added that the move would expose us to valid charges of naivete, using a very blunt tool to address heating oil prices.

American refineries today have to make so many different kinds of fuel because of environmental protection rules that no one would believe they would be capable of doing. They were running at 95 percent of capacity last week. We have not built a new refinery in almost 20 years.

What has happened: America builds no energy, no refining capacity, because it is too tough environmentally to do that and live up to our rules and regulations. Yet you can build them in many other countries, and people are surviving and glad to have them—at least, new ones—because they are doing a great job for their economy and producing the various kinds of products that come from crude oil. Yet America, the biggest user in this area, has built none.

If we take the supply of SPR out of SPR, it will still need to be refined into heating oil. I have just indicated there is hardly any room because there is hardly any capacity.

The invisible policies wait ominously on the horizon, boding serious problems. We have found that natural gas produced in America, drilled for by Americans, offshore and onshore, is the fuel of choice. Now we are not even building any powerplants that use coal as the energy that drives them because it is too expensive, too environmentally rigorous, and nobody dares build them. They build them elsewhere in the world but not in America.

We use natural gas, the purest of all, and say fill your energy needs for electricity using natural gas. Guess what happened. The price has gone to $3.35 per cubic feet; 6 months ago it was $2.16. And the next price increase is when the consumers of America get the bills in October, November, and December for the natural gas that heats their house and runs their gas stove because we have chosen not to use any other source but natural gas to build our electric generating tower when hardly any other country in the world chooses that resource. They choose coal or some other product rather than this rarity of natural gas.

Now 50 percent of the homes in America are dependent upon natural gas. The companies that deliver it are already putting articles in the newspaper: Don't blame us; the price is going up.

Who do you blame? I think you blame an administration that had no energy policy and for whom energy was an ''invisible priority.'' It was an ''invisible priority'' because the solutions lay within EPA, the Interior Department, and an Energy Department that was paralyzed by an attitude of anti-production of real energy. That is the way they were left by Hazel O'Leary, the first Secretary of Energy under this President, and Mr. Pena; and Bill Richardson is left with that residue.

Fifty percent of homes are heated by natural gas. I predict the bills will be skyrocketing because we are using more and more of it because we have no energy policy, and American homeowners are the ones who will see that in their bills. When they start writing the checks with those increases, they are going to be mighty mad at someone.

Don't get fooled. The candidate on the Democratic side, if the election is not over by the time that happens, will blame those who produce natural gas for they are related to oil and gas production. Would you believe, as we stand here today, 18 percent of the electricity generated in America is produced by natural gas? Oh, what a predicament we have gotten ourselves into because we have an invisible energy policy ruled over by an Environmental Protection Agency that never asked a question about energy and an Interior Department that takes property and land of the United States out of production.

I want to tell you a couple of facts. As compared to 1983, 60 percent more Federal land is now off limits to drilling. On October 22, 1999, Vice President GORE, in Rye, NH, said:

> I will do everything in my power to make sure there is no new drilling.

Then we have ANWR. It is off limits.

Offshore drilling is off limits. We could double our domestic oil supply if we opened offshore drilling. Yet we will have more and more transports hauling in refined and crude oil products, creating more and more risk for our ports where they are bringing it in. Yet we maintain we cannot do any more drilling because it is too dangerous.

The multiple-use concept in our public domain is, for all intents and purposes, practically dead. We have 15 sets of new EPA regulations. Not one new refinery has been built since 1976. Now we have soaring gasoline prices. I understand my time is up.

Would Senator KENNEDY mind if I take 1 more minute? I will wrap it up.

I will close with one more fact, and I will put the others in the RECORD. Californians usually spend about $7 billion a year in electricity. The price spikes were so dramatic that they spent $3.6 billion in 1 month, the month of July—half of what they annually spend was spent in 1 month.

Why? California is a big electricity importer. There is growing demand. Silicon Valley companies are big energy users. Demand is up 20 percent in the San Francisco area over last year but no new capacity has been built.

Environmental regulations make building a new plant nearly impossible in California. I predicted exorbitant home heating bills this coming winter even while we were experiencing the gasoline price spikes in the Midwest.

It used to be that one type of gasoline was suitable for the entire country. There are now at least 62 different products. One eastern pipeline handles 38 different grades of gasoline, 7 grades of kerosene, 16 grades of home heating oil and diesel. Four different gasoline mixtures are required between Chicago and St. Louis—a 300 mile distance. As a result of these Federal/local requirements, the industry has less flexibility to respond to local or regional shortages.

We have 15 sets of new environmental regulations: Tier II gasoline sulfur, California MTBE phaseout; blue ribbon panel recommendations; regional haze regs; on-road diesel; off road diesel; gasoline air toxics; refinery MACT II; section 126 petitions; gasoline air toxics; new source review enforcement initiative; climate change; urban air toxics; residual risk.

The MTBE groundwater contamination issue is going to make the gasoline supply issue even more complicated and reduce industry's flexibility to meet demand.

S. 2962 includes a wide array of new gasoline requirements that are both irrelevant and detrimental to millions of American motorists. Legislation mandates the use of ethanol in motor fuel. This would cut revenues to the highway trust fund by more than $2 billion a year.

The U.S. Department of Energy has projected that S. 2962 would increase the consumption of ethanol in the Northeast from zero to approximately 565 million gallons annually.

Frankly, Mr. President, no energy policy is better than this administration's energy policy.

## ORDER OF PROCEDURE

The PRESIDING OFFICER. Under the previous order, the Senator from Utah was to be recognized.

Mr. KENNEDY addressed the Chair.

Mr. GORTON. Mr. President, I am authorized to yield myself time from the time reserved for the Senator from Utah.

Mr. KENNEDY. Reserving the right to object, I have been allocated, I believe, 30 minutes. I was supposed to go after the Senator from Utah. Generally, we go from one side to the other, in terms of fairness in recognition. I have waited my turn. The Senator from Utah is not here. I am on that list. I have requested time.

The PRESIDING OFFICER. The Senator is correct. Under Senator HATCH's time, there was an order agreed to that there were two Republicans and then Senator KENNEDY for 30 minutes.

Mr. KENNEDY. I thank the Chair.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is asking, as I understand it, unanimous consent to speak under the time of the Senator from Utah. Is there objection?

Mr. KENNEDY. Mr. President, I object to that.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we are trying to be accommodating here. We have had one Senator from that side. I understand if Senator HATCH was going to be here I would have to wait my turn, but I am here. I have been waiting. Under the fairness of recognition, I object. But I certainly do not object to the Senator speaking after my time.

The PRESIDING OFFICER. The Senator from Massachusetts has a right to object.

Mr. KENNEDY. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. GORTON. Parliamentary inquiry.

Mr. KENNEDY. Mr. President, I do not yield for a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

## H–1B VISAS

Mr. KENNEDY. Mr. President, for months, Democrats and Republicans have offered their unequivocal support for the H–1B high tech visa legislation. In addition, Democrats have tried—without Republican support—to offer the Latino and Immigrant Fairness Act.

Democrats have worked tirelessly to reach an agreement with the Republicans to bring both of these bills to the floor for a vote. In fact, 2 weeks ago, Democrats were prepared to debate and vote on this legislation as part of their high-tech visa bill, but our Republican colleagues were unwilling to bring this measure to the floor and take a vote. And last Friday, Senator REID asked Senator LOTT for consent to offer the Latino and Immigrant Fairness bill and the Majority Leader objected. No matter what Democrats have done, the Republican leadership has been determined to avoid this issue and prevent a vote.

Our Republican friends tell us the Latino and Immigrant Fairness Act is a poison pill—that it will undermine the H–1B high tech visa legislation currently before the Senate. But, if Republicans are truly supportive of the Latino legislative agenda, that cannot possibly be true.

If they support the reunification of immigrant families as well as the immigration agenda set by the high tech community, we should be able to pass both bills and send them to the President's desk for signature.

I have three letters from children who wrote to the President about the significance of the Latino and Immigrant Fairness Act to families. I will read them quickly for the Senate.

Dear Bill Clinton.

My mom is a member of late amnesty.

That is the provision under which they would have received the amnesty. Then the INS put out rules and regulations so they were unable to make the application. Then they went to court and found out later they had legitimate rights and interests; they should have received amnesty. Nonetheless, their rights were effectively eliminated by the 1996 act. So now they are in serious risk of deportation.

Dear Bill Clinton.

My mom is a member of late amnesty. The Immigration wants to report my mom. They don't want her here. She should have permission to stay here because I was born here. Please don't take her away from me and my brothers. I'll trade you my best toy for my mom. Like my bike and my little collections of cars. Don't take her away from me! Please.

Signed Ernesto

Here is another:

Dear President Clinton,

Please don't take my parents away from me. I love them very much and my sisters too. We have been together for a lot of years and I don't want to be separated now so please don't separate us.

Signed Larry.

Hi. My name is Blanca. I'm 8 years old. I feel bad for my parents. I want my parents to have their work permit back so that they could work hard as they used to work to overcome our lives in Los Angeles. I am willing to give you, Mr. President, Bill Clinton, my favorite doll for my parents' work permit.

Thank you!

Blanca

These are real situations. We are talking about families who ought to be here as a matter of right under the 1986 immigration bill. Their cause has been upheld by the courts.

The 1996 act, intentionally or not, effectively wiped out those rights, and those individuals are subject to deportation. The children of these individuals are American citizens, born in this country, but the parents are subject to deportation and live in fear of this.

The 1986 act was a result of a series of studies done by the Hesburgh Commission, of which I was a member and so was the Senator from Wyoming, Mr. Simpson. There were a number of provisions in that act. Included in that act was an amnesty provision for people who had been here for some period of time, who had worked hard and were part of a community, trying to provide for their families. These letters are examples of individuals who are now at risk, and we are attempting to resolve their family situation. The Latino and Immigrant Fairness Act is a family value issue.

I suggest, that if we are talking about families and about keeping families together, that this particular provision is a powerful one.

The Chamber of Commerce and a long list of organizations including, the AFL–CIO, the Anti-Defamation League, Americans for Tax Reform, and various religious organizations, support this legislation and have pointed out the importance of it to the economy and the importance of it to keeping families together. They have been strong supporters for these different provisions.

There were other amendments we hoped to offer as well. They dealt with the training of Americans for jobs that would otherwise be filled by H–1B visa applicants. The average income for these jobs is $49,000. These jobs require important skills. There are Americans who are ready and willing to work but do not have the skills to work in these particular areas. We wanted an opportunity to offer amendments to deal with this. This would not have required additional expenditures. We were going to have a modest fee of some $2,000 per application that would have created a sum of about $280 million that would have been used for skill training and work training programs, and it also would have provided assistance to the National Science Foundation in developing programs, particularly in outreach to women and minorities, who are under-represented in the IT workforce.

There was some allocation of resources to reduce the digital divide, and others to expedite the consideration of these visas and make them more timely, which are both important. That was a rather balanced program. Members can argue about the size and the allocation of resources in those areas, but nonetheless, it appears those provisions are relevant to the H–1B legislation. But we were prohibited under the action taken to even bring up these matters.

These issues can be resolved quickly. Under the proposal that was made by Senator DASCHLE, we would have 1 hour of debate on the issue of skill training, which is enormously important. I personally believe we have to understand that education is going to be a continuing life experience. And for those who are in the job market, training and education is going to be a life experience if they are to continue to get good jobs and enhance their skills.

These are all related to the subject at hand, but we have been denied the opportunity to offer them. Instead, we have been virtually free of any serious work on the floor of the Senate since 10:15 this morning. Another day has passed. Under the deadline that was established by the two leaders, the Senate will recess at the end of next week. Meanwhile, another day has passed and we continue to be denied the opportunity to remedy a fundamental injustice. We continue to be denied the opportunity to bring up the Latino and Immigrant Fairness Act, and the opportunity to debate and reach a conclusion on these matters.

We are ending another day, but I wonder what the intention is and why we continue to have this circus, so to speak. Americans are wondering. We are in the last 2 weeks of this Congress, and we have passed two appropriations bills. What is happening on the floor of the U.S. Congress? What Americans have seen today is a long period of quorum calls and the denial of Members to offer amendments in a timely way to reach a resolution of matters of importance, such as the H–1B legislation and the Latino and Immigration Fairness Act.

I thought when we were elected to the Senate, it was a question of priorities and choices. When I first came to the Senate, I heard this would be a great job if you didn't have to vote. I laughed when I first heard that. Now it is back. It is a great job if you don't have to vote. Now we are prohibited from voting and indicating our priorities on H–1B and the Latino and Immigrant Fairness Act. It is unfortunate that this is the case.

I am going to print in the RECORD a number of the letters that have been sent to me in support of these provisions. Some of the most moving ones have been from some of the religious organizations.

I want to be notified by the Chair when I have 10 minutes remaining.

I have a letter from the Lutheran Immigration and Refugee Service, one of the very best refugee services. I have followed their work over a long period of time. They are first rate. Here is what they wrote:

We understand and appreciate the needs of our country's high-tech industries and universities for highly skilled employees. We also feel, however, that legislation to benefit the most advanced sectors of our society should be balanced with relief for equally deserving immigrants who fled persecution and political strife, seek to remain with close family members or long worked equally hard in perhaps less glamourous jobs. A comprehensive bill would be a stronger bill vindicating both economic and humanitarian concerns.

They have it just about right.

I have another letter from the Jesuit Conference that says:

As you aim to make our immigration policy more consonant with U.S. reality, we ask you to recognize the present situation of thousands of immigrants from El Salvador, Guatemala, Honduras, and Haiti who fled political and economic turmoil in their countries years ago and are now living and working in the United States without permanent immigration status. Many of those immigrants have built families here and have strengthened the U.S. economy by providing services to the manufacturing industry with the essential low-wage workers they need. Congress has already acknowledged the need to ameliorate the harsh effects of the 1996 immigration law. In 1997, it passed the Nicaraguan Adjustment and Central American Relief Act that allowed Cubans and Nicaraguans to become permanent residents, but gave Salvadorans and Guatemalans limited opportunities to do so.

Haitians and Hondurans were completely excluded from the 1997 law. In 1997, Haitians were given hope for equal treatment and fairness by passage of the Haitian Relief Act, but the spirit of the legislation was ultimately thwarted by messy and slow lawmaking. It is time to remedy the unequal treatment received by Central Americans and Caribbeans once and for all.

The list goes on with group after group representing the great face of this nation pointing out the moral issues involved. Evidently they are not of sufficient and compelling nature that we are permitted to get a vote in the Senate. We are denied that opportunity, even though there is support from a long list of groups that understand the economic importance of this to certain industries. But the moral reasons, the family reasons, the sense of justice which are underlined by members of the religious faith I find compelling.

I believe deeply that by failing to act, we are denying ourselves a great opportunity to remedy a great injustice.

## HATE CRIMES

Mr. KENNEDY. Mr. President, last Friday night, an armed man walked into a gay bar in Roanoke, VA and opened fire wounding six gay men and killing another. According to news reports, the gunman asked for directions to the closest gay bar and confessed that he was shooting them because they were gay. This vicious shooting was clearly a crime motivated by hate. The victims were targeted solely because of their sexual orientation. The message of hate against the gay community was clear.

Hate crimes are a national disgrace. They are an attack on everything this country stands for. They send a poisonous message that some Americans are second class citizens because of their race, their ethnic background, their religion, their sexual orientation, their gender or their disability. We need to take a strong and unequivocal stand against these despicable crimes whenever and wherever they happen.

This Congress has a real opportunity to make a difference in the fight against hate-motivated violence. Two months ago, as an amendment to the Defense Authorization Bill, a strong bipartisan majority of the Senate voted in favor of hate crimes legislation that will close the loopholes in current law. I pay tribute to the Presiding Officer for his strong support of this endeavor. The House of Representatives has also demonstrated its strong bipartisan support for passing this important legislation on the defense bill.

Despite this unique opportunity, the Republican leadership in the Senate and the House continue to oppose including the hate crimes provisions in the conference report on the Defense Authorization Bill. By removing hate crimes legislation from the bill, the Republican leadership will send a disturbing message about its lack of commitment to equal protection of the law and to civil rights for all Americans.

I urge Majority Leader LOTT, Speaker HASTERT, and the conferees on the Defense Bill to do the right thing. Both the House and the Senate strongly favor action this year against hate crimes. Now is the time for the Congress to act by sending a clear and unmistakable signal to the American people that the federal government will do all it can to see that these despicable offenses are punished with the full force of the law.

Just last Friday night, one of the most horrendous and horrific kinds of crimes was committed by an armed man walking into a gay bar in Roanoke, VA. Interestingly, Virginia has hate crimes legislation, but it is not based upon sexual orientation. So that is a major opening in that law.

The legislation, which has passed in the Senate, would be able to address this issue. We should have the opportunity to vote on it. It was included in the defense authorization bill. It was strongly supported on the instructions by the House of Representatives. That conference is still open. I am a member of that conference. It is one of the last remaining items. It ought to be included. If we need a reminder of why it is important to pass this legislation, we have that tragic circumstance.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute 20 seconds.

Mr. KENNEDY. I thought I asked for a 10-minute warning.

The PRESIDING OFFICER. That is 1 minute 20 seconds prior to the 10 minutes.

Mr. KENNEDY. I thank the Chair.

## THE ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. KENNEDY. Mr. President, I raise one other item of priority, and that is the failure to take action on the Elementary and Secondary Education Act.

If we don't take action, this will be the first time in 35 years where the Senate has failed to take action on the Elementary and Secondary Education Act. I, again, bring to the attention of our colleagues the commitment that was made by the majority leader going back to 1999.

On January 6, 1999, he said:

Education is going to be a central issue this year. . . . For starters, we must reauthorize the Elementary and Secondary Education Act. That is important.

On January 29, 1999:

But education is going to have a lot of attention, and it's not going to just be words. . . .

On June 22, 1999:

Education is number one on the agenda for Republicans in the Congress this year. . . .

On February 1, 2000:

We're going to work very hard on education. I have emphasized that every year I've been Majority Leader. . . . And Republicans are committed to doing that.

On February 3, 2000:

We must reauthorize the Elementary and Secondary Education Act. . . . Education will be a high priority in this Congress.

Here we are in May of 2000:

. . . I haven't scheduled a cloture vote. . . . But education is number one in the minds of the American people all across this country and every state, including my own state. For us to have a good, healthy, and even a protracted debate and amendments on education I think is the way to go.

The PRESIDING OFFICER. The Senator now has 10 minutes.

Mr. KENNEDY. I thank the Chair.

I ask the Chair to let me know when I have 2 minutes remaining.

Final statement, July 25:

We will keep trying to find a way to get back to this legislation this year and get it completed.

We have not been able to do that. We have been unable to do it. The basic reason that we have been unable to do it is because those on this side wanted to offer a series of amendments—on smaller class size; well-trained teachers in every classroom in America; help and assistance in the construction of schools, in the modernization of schools; afterschool programs; assurance that we are going to have tough accountability; that we are also going to reduce the digital divide; and access for continuing education programs; but we also wanted to make sure that we were going to take the necessary steps to help make the schools safe and secure—and once that became evident, then there was a different mood around here. Then that bill was effectively pulled by the majority. We do not yield on the issue of making sure we do everything we possibly can to make sure that schools are going to be safe and secure.

I draw attention to the tragic situation today in the Carter Woodson Middle School in New Orleans, LA. Two teenage boys have been involved in another school shooting. Someone passed a gun in through a fence, and a young child used it. That child shot another child, and then he dropped the gun. Another child picked up the gun and shot the initial shooter. Both children are critically injured and in surgery. School has been canceled for 3 days.

We have pressing education issues to address. We have pressing needs to try to make our communities safer and more secure and to remove the opportunities for children to acquire the weapons of destruction that end up taking other children's lives. But we are denied that. As a result, we will not have the chance to reauthorize.

I say that because we heard from the majority leader that we are not going to take up education because we are not going to consider gun legislation, in spite of the fact that in 1994, our majority leader co-sponsored gun legislation that was proposed by a Republican Senator. They didn't complain then and say it was inappropriate or irrelevant at that time. It is relevant to make sure that schools are safe and secure.

I heard a great deal in the last few days about what is happening in the schools of this country. All of us understand that we have challenges that exist in our inner-city schools and many of our rural schools. We understand that. But I am kind of tired of people just tearing down the public school system. That has become rather fashionable. We have heard that in part of the national debate. I am just going to bring some matters to the attention of the Senate.

First are the number of students who are taking advanced math and science classes—this is from 1990 to 2000. On precalculus, the number of students went from 31 to 44 percent; on calculus, from 19 percent to 24 percent; on physics from 44 percent to 49 percent—a very significant increase in the number of children who are taking more challenging courses in our high schools, according to the College Board.

On this chart we see the growth in the percent of students who are taking the scholastic aptitude tests. This went from 33 percent in 1980, to 40 percent in 1990, and up to 44 percent. The trend lines are moving up. It is not an enormous amount of progress from 40 percent to 44 percent, but nonetheless it is showing an enhancement of the total number of children who are taking those tests.

Here are the SAT math scores. They are the highest in 30 years. This is important because we have many more children taking them.

It is one thing that we have a small number of children taking the test, now we have expanded the number of children who are taking the test nationwide. And what do we see? The SAT math scores are the highest in 30 years. They have been moving up now consistently over the last few years. Actually, in the early years, in terms of minorities, the difference has actually diminished.

What we are saying is that there are some very important indicators that are going in the right way. I was quite interested in hearing the Governor of Texas talk about how our schools are in all kinds of trouble and how it happens to be the Vice President's fault. But meanwhile the States themselves have 93 cents out of every dollar to spend. They are the ones who have the prime responsibility to spend on education. So the question comes down to, if they are the ones who have the prime responsibility, is it fair enough to ask what these Governors have been doing over this period of time?

Federal participation has been targeted on the neediest children. They are the toughest ones to try and bring educational enhancement and academic achievement to; they are the ones who are targeted. Nonetheless, we see what has been enhanced. There have been some very notable kinds of improvements. I think the State of North Carolina, under Governor Hunt, has been one of the outstanding examples of total improvement in how they have been dealing with troubled schools—those schools that have been facing challenges. Instead of the proposal that is offered by Governor Bush in this particular instance, which would draw money from it and effectively close down that school, we find out how they are handling that with Governor Hunt in North Carolina. In North Carolina they send in teams to help restructure both the personnel and the curriculum. What is happening is major achievements and accomplishments.

Those are the kinds of ideas we ought to be embracing, the ones that have been tried and tested and have been effective.

I want to show, finally, where we are going over a long period of time in terms of enrollment. It will continue to rise over the next century. We are failing in this Congress to have a debate and a conclusion on the Elementary and Secondary Education Act. We had 6 days of discussion on the Elementary and Secondary Education Act; 2 days for debate only. Then we had eight votes—one vote was a voice vote; three were virtually unanimous. So we had four votes.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. KENNEDY. We have not had the full debate and discussion of what American parents want. The fact is, projected over the next years, we are going to see virtually a doubling of the number of children, up to 94 million. The children in this country and the parents deserve a debate and discussion in the Senate on education. They have been denied that. For the first time in the history of the Elementary and Secondary Education Act, the Senate has failed to meet its commitment in this area.

I regret that, Mr. President. I wish we were debating that instead of having long quorum calls or lengthy speeches on the floor of the Senate.

I retain the remainder of my time under cloture.

The PRESIDING OFFICER. The Senator from Texas.

## H–1B VISAS

Mr. GRAMM. Mr. President, I am tempted to jump into the debate about education. The problem is not people taking courses. It is learning something from the courses you are taking.

I remind my colleagues that the SAT test changed several years ago so that the minimum requirements to play football in division 1 went up from 700 to 840. You might think: Rejoice, we have raised academic standards in athletics in college. The truth is, the test was recentered so that everybody's score was raised by 140 points at that level. I do not look at Senator KENNEDY's test scores and rejoice that we now have achieved the level we had in 1961. Can you imagine any other debate in America where people say: We have great success; we have equaled what America did in 1961.

I don't call that success. I call that failure. I call that failure because with all the resources we are spending, the fact that we have yet to achieve what we had achieved in 1961 is the greatest indictment of our education bureaucracy and a failed system that believes that Federal control and Federal money is the answer.

But I am not going to discuss that right now. I want to remind people of what has happened all day today here in the Senate. Our Democrat colleagues say they are for the H–1B program. They say they want to allow high-tech workers to come into the country to help us continue to dominate the world in high-tech jobs so that

we can continue to have economic growth. They go out to Silicon Valley and say: We are with you. We are for the H–1B program. Yet they have spent all day filibustering it.

I don't understand it. You are either for it or you are against it. Now they say: Well, we are for it, but you have to pass a whole bunch of bills doing other things before we are going to let you adopt it.

I think it is time for those who need this bill to say to our Democrat colleagues: If you are for the bill, let us vote on it.

We have all heard the cliche, ''if you have friends like that, you don't need enemies.'' The point I want to remind people about is that all day long, the Democrats have been filibustering the H–1B program. So if anybody thinks they are for it, the next time they stand up and say they are for the program, I think the obvious thing to ask is, if you are for it, why are you holding it up?

We need this bill because we want to keep America growing. I believe our Democrat colleagues are putting politics in front of people. This bill is important to maintain economic growth. It is important to maintain our technical superiority.

I want people to know, with all the thousands of issues that have found their way to the floor of the Senate this afternoon, that what this debate is about is that our Democrat colleagues say they are for the H–1B program, but they are preventing us from voting on it. If you are for it, let us vote on it then. If you are for it, end all these extraneous debates. If you want to debate giving amnesty to people who violated America's law, then offer that somewhere else. Propose a bill, but let us vote on the H–1B program.

Why do we need it? We need it because we want to maintain the economic expansion that is pulling people out of poverty. We want to maintain our technological edge. But we can't do those things if the Democrats don't let us pass this bill.

If you are following this debate, don't be confused. They say they are for H–1B, the passage of this bill, but they are working every day to throw up roadblocks, to stop it, and to demand some payment for letting us pass it.

Let me make it clear, no tribute is going to be paid on this bill. There is not going to be a deal where they get paid off to pass this bill. They go to California and to Texas and other places and say: We are for the high-tech industry. We are for the H–1B program. But the cold reality is that on the floor of the Senate today, we did not get to vote on it. We did not get to pass it. We did not make it law. We did not do what we need to do to maintain this economic prosperity and to maintain our edge in the high-tech area because the Democrats are filibustering H–1B. They say they are for it, but when it gets right down to it, actions speak louder than words.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

## H–1B AND H–2A VISA LEGISLATION

Mr. SMITH of Oregon. Mr. President, I have listened to the debating back and forth on the issue of whether we do H–2A or H–1B.

I would like the American people to know that I think there is a lot going on behind the scenes. I think there is a lot that needs to happen behind the scenes, and quickly because both of these issues are legitimate issues. I believe America needs to make up its mind whether we want the high-tech industry to remain an American industry. It is vital to our economic good, and we are all proud of it. We all want to encourage it. We need to help the high-tech industry by raising the H–1B visas temporarily. Otherwise, this is an industry that is prepared to move to other shores. I would rather they remain on our shores because I think it does us an enormous amount of good.

In my State, and in the State of the Senator from Nevada, and so many States, we are seeing small businesses thrive with the development of this new technology.

But I also want to speak to the need that we not abandon the cause of the Hispanic and Latino workers. There are many proposals right now addressing their needs.

I happen to be a cosponsor of a bill, being argued by many on the other side of the aisle, which help these workers.

I think it is a crying shame that we have people living in the shadows of our society right now. These are people who are here; yes, many of them illegally, probably well over a million, and maybe as many as 2 million people who are working primarily in agricultural industries. These illegal workers have infiltrated many other industries as well. They have been here for a decade and more. Many people worry that if Congress addresses the worker shortage in agriculture, more illegal workers will come. I have news for them. They have already come. They are here. They live among us and contribute to our economy. They are contributing to our tax rolls, frankly, without the benefit of law.

I believe Republicans and Democrats ought to find a way as human beings to reach out to the illegal farm worker community. If it isn't with amnesty, there are ways we can allow them to be here legally.

A lot of people say we have no worker shortage in agriculture. I tell you that we don't if you include all the illegals. But we owe something better to these workers and something better to their employers than an illegal system.

It is a crying shame, and we ought to be ashamed of it in the Senate, and do something about.

I know Speaker HASTERT is working on this issue in the House. I believe our Senate leadership is working on it here.

But I am in a dilemma. I will admit it right here on the floor of the Senate. I want to help the high-tech industry by providing them with highly skilled temporary workers, but I also want to help the workers in the agricultural industry who contribute to our economy and deserve our attention as well.

I hope that our leadership will respond quickly to the needs of the agricultural industry, as well as the dignity its workers deserve.

I see our leader is on the floor. I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I thank the Senator from Oregon for his time in the Chair, for his commitments, and for the leadership that he provides in the Senate.

## UNANIMOUS CONSENT AGREEMENT—H.J. RES. 109

Mr. LOTT. Mr. President, I understand that Senator REID is here. I ask unanimous consent that notwithstanding rule XXII, at 9:30 a.m. on Thursday, September 28, the Senate proceed to the continuing resolution, H.J. Res. 109; that the joint resolution be immediately advanced to third reading and no amendments or motions be in order; that there be up to 7 hours for final debate to be divided as follows: 6 hours under the control of Senator BYRD, and 1 hour under the control of Senator STEVENS.

Finally, I ask unanimous consent that the resolution be placed on the calendar when received from the House.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## NOTICE OF INTENTION TO SUSPEND RULE XXII

Mr. DASCHLE. Mr. President, pursuant to rule V, I hereby give notice in writing of my intention to move to suspend rule XXII to permit the consideration of amendment No. 4184 to S. 2045.

## AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000—Continued

Mr. LOTT. Mr. President, I am pleased that the Senate has voted 94–3 to invoke cloture with respect to H–1B legislation.

As Members know, cloture limits debate and restrains amendments to germane amendments only.

With that in mind, I want all Senators to know that the Senate is going to conduct a final vote on this legislation. We are committed to that, and we will get to that point even if it takes some more time. I hope my colleagues on both sides of the aisle will allow this bill to be voted on in the Senate. We have worked on it for months trying to get agreements to find a way to get conclusion. But it is time that we get to the conclusion and have a vote. I predict that the final vote on this bill will be somewhat like the vote we had on the FAA reauthorization bill some 4 years ago. There was a lot of resistance. It took a week to get to a final conclusion. The final vote was something like 97–3. I suspect that when we get to a final vote here it will be 90–10, if we can ever get a vote on the substance.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the pending first-degree amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending first-degree amendment (No. 4177) to Calendar No. 490, S. 2045, a bill to amend the Immigration and Nationality Act with respect to H–1B non-immigrant aliens:

Trent Lott, Gordon Smith of Oregon, Judd Gregg, Wayne Allard, Conrad Burns, Craig Thomas, Rick Santorum, Thad Cochran, Bob Smith of New Hampshire, Spencer Abraham, Kay Bailey Hutchison of Texas, Connie Mack, George Voinovich, Larry Craig, James Inhofe, and Jeff Sessions.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the pending committee substitute.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the committee substitute amendment to Calendar No. 490, S. 2045, a bill to amend the Immigration and Nationality Act with respect to H–1B non-immigrant aliens:

Trent Lott, Gordon Smith of Oregon, Judd Gregg, Wayne Allard, Conrad Burns, Craig Thomas, Rick Santorum, Thad Cochran, Bob Smith of New Hampshire, Kay Bailey Hutchison, Connie Mack, George Voinovich, Larry Craig, James Inhofe, Jeff Sessions, and Don Nickles.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the pending bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII of the Standing Rules of the Senate, the chair directs the clerk to report the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 490, S. 2045, a bill to amend the Immigration and Nationality Act with respect to H–1B non-immigrant aliens:

Trent Lott, Gordon Smith, Judd Gregg, Wayne Allard, Conrad Burns, Craig Thomas, Rick Santorum, Thad Cochran, Bob Smith, Spencer Abraham, Kay Bailey Hutchison, Connie Mack, George Voinovich, Larry Craig, James Inhofe, and Jeff Sessions.

Mr. LOTT. Mr. President, I would be happy to vitiate the cloture votes on this bill if the Democrats would agree to that. I think we could get a time agreement and have germane amendments that could be offered, and we could complete it in a reasonable period of time. Perhaps we should have gone through a procedural effort different from what we wound up with, but I really thought that once we had the cloture vote this morning, we would be able to get some sort of reasonable time agreement—6 hours or more if necessary—and get to a conclusion so that we could move on to other issues. I am still open to that. I know Senator REID has put a lot of time on it and had some remarks today. I certainly understand that. The issue or issues that have been raised, I think, could be or would be considered on other bills and other venues. I hope we can work together to find a way to complete this important legislation.

Failing that, I had no alternative but to go this route.

Mr. REID. Will the Senator yield?

Mr. LOTT. I am happy to yield to the Senator.

Mr. REID. Mr. President, I don't really understand because I haven't been there, but I have some idea of the burden that the Senator bears. I really do. It hurts me—I care a great deal about the Senator as a person—to delay what I know the Senator believes is extremely important.

However, I believe we should resolve this quickly. We could have a vote in the morning on H–1B. We, the minority, don't oppose H–1B. As I have said today, we want a vote on the amendment filed which we have been talking about all day. We will take 5 or 10 minutes a side and vote. We could be done with this legislation tomorrow at 2 o'clock in the afternoon or 10 o'clock in the morning, whatever the leader decided.

The debate we have had today has been constructive but, in a sense, unnecessary. I hope the majority leader, the man who has the burden of controlling what goes on here, especially in his waning days of this Congress, will meet with the caucus or make the decision unilaterally, or whatever it takes, and move on. Take care of the high tech people. Also, take care of the restaurant workers and other people who also need to be taken care of.

Again, we will take as little as 5 minutes on this amendment and have a vote and go about our business.

Mr. LOTT. Mr. President, if I might respond to Senator REID, I think he knows an effort was made a few days ago to see if we couldn't clear a limited number of amendments—and either without identifying what those amendments would be or identifying them—and we are not able to clear it. We couldn't clear it on this side.

We had Senators on this side that wanted to offer other issues, too, including the H–2A issue, involving how we deal with visas for agricultural workers. There are some Members who think we ought to do that. There are others who didn't think we ought to do it on this bill. While I understand what the Senator is saying, I have not been able to clear that, and therefore I had to move forward to try to get the bill to conclusion.

I always enjoy working with the Senator from Nevada. He has been unfailingly fair and has worked with us to move a lot of issues. I appreciate that. I regret we couldn't get this cleared. I did try to, but I couldn't get it done. So now we need to get to a conclusion on the underlying.

Mr. BIDEN. Will the Senator yield?

Mr. LOTT. I am happy to yield to the Senator.

Mr. BIDEN. I realize the leader, as Senator REID said, has a lot of burdens. But today the House passed, by a vote of 415–3, the Violence Against Women Act—24 Republicans and all Democrats. Seventy-one cosponsored the Violence Against Women Act.

I wonder if the leader would be willing to agree to a 10-minute time agreement and we could vote on the Violence Against Women Act tomorrow or some day?

Mr. LOTT. Mr. President, let me say we are going to try to clear that bill so we can get it into conference with the House. If we run into problems, whatever they may be, it is my intent that legislation will be on a bill that is signed into law before the end of this session. It is our intent to get it done. We will try a variety of ways to achieve that. We will want to put it on a bill that we hope will be signed into law. We are not going to try to put it on something that might not be. We will also be taking cognizance of what the House has done.

Mr. BIDEN. If the Senator will allow me a moment, it may be helpful for consideration to know I spoke with Republican leadership in the House on this issue, as well as here, and I am confident we can arrive at a bill that wouldn't require a conference.

So if the leader concludes at some point—and I take the leader at his word and he always keeps it—the intention is to bring this up, I think it may be possible we could literally pass a bill that would not require a conference. I raise that possibility.

Mr. LOTT. We will be working on that. I have had other bills that I thought would zip right through'', no problem. We have one from the Finance Committee, the FSC issue, which is very important to compliance with the WTO decision. I am concerned now we may not be able to get that cleared.

We are trying to get appropriations bills considered by the Senate. We are trying to get an agreement to take up the District of Columbia, and we ran into a problem. I think maybe we are fixing that problem, but I am saying to the Senator at this point it is hard to get clearances. We did get one worked on regarding the water resources development bill, and we are doing other issues.

This is a bill we will find a way to get done before this session is over. We will see what happens when we get it together and try to work through it.

Mr. BIDEN. Mr. President, I thank the majority leader. As I indicated to the majority leader, this may be a unique bill not unlike the one my friend, the Presiding Officer, has on sex trafficking on which he has worked so hard. This doesn't even have those problems. This has 415 Members of the House voting for it; 3 voting against it; 71 cosponsors in the Senate. I am willing to predict, if we can agree to bring it up without amendment, we will get 85 to 95 votes. This is in the category of a no brainer. HENRY HYDE is a sponsor of it. It is the Biden-Hatch bill.

The only point I make, and I will be brief, time is running out. The Violence Against Women Act expires this Sunday, September 30. It took me 8 years to get this thing done. It took 3 years after it was written just to get it considered. It took that long to get it passed. It has been in place for 5 years. There are no additional taxes required to pay for this bill because there is a trust fund that uses the salaries that were being paid to Federal officials who no longer work for the Federal Government; it goes into that fund.

As I said, if there was ever a no brainer, this one is it. Democrats like it; Republicans like it. As Senator Herman Talmadge from Georgia, said to me one night regarding another issue when I walked into the Senate dining room: What's the problem, JOE? I guess I looked down. He was chairman of the Agriculture Committee. I said: I'm having problems with such and such an issue. He said: What is the problem, son? I repeated; I thought he didn't hear me. He said: No, you don't understand. Republicans like it; Democrats like it. So just go and do it.

Well, that is where we are tonight. Democrats like the bill; Republicans like the bill; the House likes the bill; the Senate likes the bill; women like the bill; men like the bill, business likes the bill; labor likes the bill. So why don't we have the bill? And I have been hollering about this for 2 years now.

Hopefully, in light of what the majority leader said, maybe we will get to it. I was beginning to get a little despondent. I was even thinking of attaching the bill to the Presiding Officer's bill to make sure we get it done.

Today the Washington Post, in an editorial entitled ''Inexplicable Neglect,'' noted: ''There seems to be no good reason, practical or substantive, to oppose the reauthorization of the Violence Against Women Act.''

I ask unanimous consent the totality of that editorial be printed in the RECORD.

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

INEXPLICABLE NEGLECT

There seem to be no good reason, practical or substantive, to oppose reauthorization of the Violence Against Women Act. Originally passed in 1994, the act provides money to state and local institutions to help combat domestic violence. It is set to expire at the end of the month. Its reauthorization has overwhelming bipartisan support. But House and Senate leaders have yet to schedule a vote.

Versions of the bill have been favorably reported by the judiciary committees of both chambers. Both would expand programs that during the past five years have helped create an infrastructure capable of prosecuting domestic violence cases and providing services to battered women. Since the original act was passed, Congress has devoted $1.5 billion to programs created by it. The House and Senate bills differ, but both would authorize more than $3 billion in further support during the next five years. There is room to debate the proper funding level relative to other priorities, a matter which will be determined later by appropriators; and the programs won't end immediately if the act lapses, because funds have been approved for the coming year. But failing to reauthorize would send the wrong message on an important issue and, more important, could threaten future appropriations.

With time in the 106th Congress running out, the Violence Against Women Act may become a casualty for neglect rather than of active opposition. But that's no comfort. Congress ought to find the time to pass it before leaving town.

Mr. BIDEN. The act of 1994 signaled the beginning of a national—and, I argue, historic—commitment to women and children in this country victimized by family violence and sexual assault.

The act is making a real difference in the lives of millions of women. The legislation changed our laws, strengthened criminal penalties, and facilitated enforcement of protection orders.

I see my friend from California is here. When she was in the House of Representatives, she was one of the few people, man or woman, on either side that fought for 2 years to get this passed. I say to the Senator, the majority leader indicated he plans on making sure that this gets voted on this year. ''This year'' means the next couple of days or weeks. He says he wants to attach it to another bill.

I have been making the case, I say to my friend from California, that based on the vote in the House, 415–3 and 71 Senators cosponsoring the Biden-Hatch bill here in the Senate, we should bring this up free-standing. I was presumptuous enough to speak for you and others and say we would agree to a 5-minute time agreement on the bill.

Mrs. BOXER. Will my friend yield for just a couple of quick questions, and then I will allow him to, of course, finish his statement.

First, I really came over to the floor when I saw the Senator took time to speak on the floor about the Violence Against Women Act. It was my great honor when I was in the House that he asked me to carry that bill those many years ago. I remember what a struggle it was. We couldn't get that House at that time to recognize this problem.

I have heard my friend say many times, even the words ''domestic violence'' indicate something that is different about this particular kind of violence; there is something that is domesticated about it. It is violence; it is anger; it is rape; it is hard to even describe what women, particularly women—although it does happen to men—go through.

So I took to the floor just to ask a couple of questions. In light of the House passage with the kind of vote you rarely see over there—my goodness, we hardly ever see a vote like that—and the fact it was freestanding, wasn't attached to any other bill, doesn't my friend believe we should bring this up—I agree with him—with a short time agreement, 2 minutes a side? It doesn't matter to me. We have talked enough about this over the years.

Doesn't my friend agree it would be much better to just bring it up freestanding instead of attaching it to another bill that some people may have problems with? Why would we want to take this idea, this incredibly important idea that the Senator pushed through this Congress, and attach it to another bill that may be controversial?

Mr. BIDEN. In response to the question of the Senator, I fully agree with her. I indicated that to the majority leader. To give the majority leader the benefit of the doubt, which I am prepared to do, I am not sure he understands how much support this has. When I indicated it should be freestanding, he cited other bills he thought were going to go through and they didn't go through and that was what he was worried about.

He had to leave here necessarily and so didn't hear my response, which is, this is not like any other bill. I have not heard of any problem. If any staff is listening—staffs of all one hundred Senators listen to proceedings. They are assigned to listen to them. I ask anybody in the Senate who has any problem with the Biden-Hatch bill to please come and let us know, to debate it. I do not know anybody who is even willing to debate it, to say they are not for it.

I would be dumbfounded, when in fact we bring this up, if we bring it up freestanding, if it didn't get everyone in the Senate voting for it. I would be astounded if it got fewer than 85 or 90

votes. I would not at all be surprised if it got 100 votes. But I am not sure the majority leader understands that.

Frankly, what the Senator from California and I could do with Senators HATCH and SPECTER and others who are supportive of this bill—maybe we can go see the majority leader tomorrow and lay out for him why we are so certain he will not get himself in a traffic jam if he brings this bill up and why he doesn't need to attach it to anything else.

Mrs. BOXER. Right. I say to my friend, since we are strategizing here in front of the world——

Mr. BIDEN. The whole world.

Mrs. BOXER. We might want to see if we could get some signatures on a letter asking him to bring it up freestanding because it seems to me to be the best thing to do.

Almost everything else we do, as my friend has pointed out, is controversial. But when you have a bill that has worked to increase the funding for shelters and train judges and doctors and the rest, and as a result we have seen a 21-percent decline in this kind of violence, it ought to breeze through here.

But I really came to the floor to thank my friend for his leadership here and his continued focus on this issue. A lot of us, as we get older, start thinking: What have I done that I am really proud of? I know my friend can truly say—and I can say it because I was fortunate he involved me in this early on—this is one of the good things, one of the great things.

I thank my friend and hope we can prevail on the majority leader to bring this up freestanding. I thank my colleague for yielding.

Mr. BIDEN. I thank the Senator. I will follow onto that.

History will judge—and even that is a presumptuous thing, to think history will even take the time to judge, but some folks will judge whether or not my career in the Senate accomplished anything. I know for me, the single most important thing I have ever been involved in, and have ever done, and I care more about than anything I have ever been involved in, is this legislation. The thing I am most proud of is that it has become a national consensus. It is not a Democratic issue; it is not a Republican issue; it is not a women's issue, not a men's issue. We have taken that dirty little secret of domestic violence out of the closet.

Mrs. BOXER. That is right.

Mr. BIDEN. We have freed up, as a consequence of that, not only the bodies but the souls of millions of people and thousands and thousands of women.

As the Senator well knows, the hotline that she and Senator KENNEDY, Senator SPECTER, and others have worked so hard to put in place, that hotline has received literally hundreds of thousands of calls—300,000 all told—tens of thousands of calls over the years since we passed this, saying: Help me, help me. I am trapped.

I say to men who say: Gee, whiz, why don't women just walk away; Why don't they just walk away from this abuse they get; There are a lot of reasons they don't, from being physically intimidated, to being psychologically intimidated, to having no place to go and no financial resources.

Mrs. BOXER. Will my friend yield on this point?

Mr. BIDEN. Yes.

Mrs. BOXER. I think also—and I know he is so aware of this—another reason they do not walk away is their kids.

Mr. BIDEN. Absolutely.

Mrs. BOXER. They fear for their kids. With all of the attention we have paid to the entertainment industry—and the Chair has taken a lead on this—to call to everyone's attention the excess of violence and the marketing of too many R-rated films to kids, we know for sure, I say to Senator BIDEN, there is only one proven predictor that violence will be passed on to the next generation, and that is when the child sees a parent beat the other parent. We know that 60 percent or more of those kids are going to grow up in the same fashion.

I was going to leave now, but every time the Senator starts to bring up another point, it is so interesting, I am kind of spellbound. But the bottom line is, with this bill we are helping women and children and families. We are standing for the values that I thought we all mean when we say ''family values.'' Again, my thanks.

Mr. BIDEN. I thank my colleague.

Mr. President, I will not go through the whole of my statement. Let me just make a few other points.

I must say I compliment the Chair for his work and his, not only intellectual dedication but, it seems to me, passionate commitment to do something about the international sex trafficking occurs. This is a women's issue internationally.

I suspect he feels the same way I feel about this legislation. I suspect he believes there is probably not much more that he has done that is as tangible and might affect the lives of people, that you could look to, you could count, you could touch, you could see. When I said there are a lot of calls, literally over half a million women, over 500,000 women have picked up the phone and called, probably huddled in the dark in the corner of their closet or their room, hoping their husband or significant other is not around, and said in a whisper, ''Help me, help me''—given their name and address and said, ''Help me.''

Think of that. Think of that. A half a million women have picked up the phone. How many more have not picked up the phone?

The thing we should be aware of—and I know the Chair knows this—it is counterintuitive to think a child who watches his mother being beaten to a pulp would then beat his wife or girlfriend later. That is counterintuitive. Wouldn't you think that would be the last thing a child would do? But the psychologists tell us it is the first thing. They learn violence is a readily available and acceptable means of resolving power disputes.

You know, as the Chair I am sure knows—I am not being solicitous because of his work in this generic field—about 60 percent of the people in prison today have been abused or were in families where they witnessed abuse. This is not rocket science. I hope we get on with it.

There are a few things I want to mention. This bill does not merely reauthorize what we have done. I made a commitment, when I wrote this bill and we finally got it passed as part of the Biden crime bill, that I would go back and look at it—and others have, too, but personally since I was so involved in it—and the parts that were working I would try to beef up; the parts that were weak and did not make sense, I would jettison. In the reauthorization, I would get rid of them.

I hope my colleagues will see we have kept that commitment. We take the parts we found were lacking in our first bill and we, in fact, beefed them up. We kept the police training, the court training, and all those issues. We kept the violent crime reduction trust fund which, by the way, gets about $6.1 billion a year from paychecks that are not going to Federal employees anymore and go into this trust fund. It trains attorneys general and the rest.

What it does beyond all it has already been doing is it provides for transitional housing for women. We have over 300,000, in large part thanks to Senator SPECTER from Pennsylvania, who has been so dedicated in his appropriations subcommittee to this. We have built all these new shelters. We do not send women to shantytowns. This is decent housing with anonymity, giving them an opportunity to get out from under the male fist abusing them, and they can bring their children with them.

Seventy percent of children on the street are homeless because their mothers are on the street, a victim of domestic violence. We realized there is a gap here because there are so many women knocking down the door to get into these shelters to get out of abusive circumstances. We can only keep them there for 30 days, 60 days, sometimes longer. They cannot go back home because their husband has either trashed the home or tried to sell the home or they have to move back in with the husband. We tried to find some transitional housing that takes them down the road for the next couple of years and gives them some hope.

We also beef up cross-State protection orders. For example: God forbid there is a woman staffer in ear shot and she lives in Virginia or Maryland or a nearby State and she went to the court and said: Look, my husband or my boyfriend or this man has harassed me or beaten me, and I want him to

stay away from me. The court issues what they call stay-away orders, victim protection orders.

That woman may work in the District of Columbia. Now she crosses the line from Virginia or Maryland into D.C., and she gets harassed. The man violates the order, and she goes to a D.C. cop or D.C. court. They do not have any record of it. There is no record or they do not honor it. I am not talking about D.C. particularly. One State does not honor another State.

What we have done is beefed up the requirement that States honor these stay-away orders when women cross the line, literally cross a State line, cross a jurisdictional line.

There is a very well-known reporter at the Washington Post—although he has written about this, I am not going to take the liberty of using his name without his permission. His daughter was in a similar situation in Massachusetts. She was abused by someone. A stay-away order was issued. She was in Massachusetts. She was in a different county. The man, in fact, violated the order. They went into a local court. The local court, because there were not computerized records, did not know there was a State stay-away order.

By the way, the stay-away order says if you violate the order, you go to jail. If a man follows a woman into a different jurisdiction and the jurisdiction knows that order exists and he violates the order, they can arrest him and send him to jail on the spot because it is part of the probation, in effect, to stay away. It is part of the sentence, if you will; not literally a sentence. They can put him in jail.

George's daughter said: This guy has an order. He is not supposed to be near me.

The judge said: We have no record of that order because they are not computerized for interchange of these records.

They walked outside the courtroom, and this man shot her dead. He shot dead on the spot the daughter of this famous Washington reporter because there was not the honoring, even within the State, of these orders. We beefed that up.

By the way, in my State of Delaware, which has a relatively low murder rate, 60 percent of all the people murdered in the last 2 years were women murdered by their husband or their boyfriend. Did my colleagues hear what I just said? Murdered by their husband or boyfriend. The vast majority of women who are murdered in America are murdered by a significant other or their husband. This is not a game.

We are now in a position where there is, in fact, no authorization for the continuation of this law for which we worked so hard. Come October 1, which is what, how many days? Today is the 26th. The point is, in less than a week, this law is out of business.

I have much more to say about this, but I will not take the time of the Senate now. I am encouraged, I am heartened by what the House did. I am encouraged by what Senator LOTT said to me today on the floor, and I look forward to the opportunity to convince the leader to bring this up in whatever form that will allow us to pass it because, again, this is not a Republican or Democratic issue. This literally affects the lives of thousands and thousands of women.

## SUPPORTING DEMOCRACY IN SERBIA

Mr. BIDEN. Mr. President, on another matter which relates to another form of human rights, I wish to speak to the legislation we are going to bring up tomorrow, the Serbian Democratization Act of 2000. I am an original cosponsor of this legislation. I am told that tomorrow we are going to get a chance to deal with this issue.

As everyone knows, Slobodan Milosevic is on the ropes. Despite Milosevic's massive systematic effort to steal Sunday's Yugoslav Presidential election, his state election commission had to admit that the opposition candidate Vojislav Kostunica won at least the plurality of the votes already counted; 48.22 percent to be exact.

According to opposition poll watchers, Kostunica in all probability actually won about 55 percent of the vote, which would have obviated the need for a two-candidate second-round runoff with Milosevic, which now seems likely.

It is still unclear whether the democratic opposition will go along with this semi-rigged, desperation plan of Milosevic's to hang on by rigging the runoff. Even if Milosevic loses the runoff and is forced to recognize the results of the election, he may still attempt to hold on to the levers of power through his control of the federal parliament and of the Socialist Party with its network of political cronies and corrupt businessmen.

He may use the classic tactic of provoking a foreign crisis by trying to unseat the democratically elected, pro-Western government in Montenegro, a move I warned against on this floor several months ago.

We will have to wait and see for a few days before knowing exactly how the situation in Yugoslavia is going to develop, but there is no doubt whatsoever as to who the primary villain in this drama is. It was, it is, and it continues to be Slobodan Milosevic, one of the most despicable men I have personally met, and, as everyone in this Chamber knows, a man who has been indicted by The Hague Tribunal for war crimes and is the chief obstacle to peace and stability in the Balkans. Therefore, it should be—and has been—a primary goal of U.S. foreign policy to isolate Milosevic and his cronies, and to assist the Serbian democratic opposition in toppling him.

Earlier this year, with this goal in mind, the Serbian Democratization Act of 2000 was drafted in a bipartisan effort. It is particularly timely that the Senate consider this legislation tomorrow, precisely at the moment when the Serbian people have courageously voted against Milosevic's tyranny that has so thoroughly ruined their country during the last decade.

I would like to review the main provisions of the legislation we will be voting on tomorrow and then propose alternative strategies for our relations with Serbia, depending upon the outcome of the elections.

The act supports the democratic opposition by authorizing $50 million for fiscal year 2001 to promote democracy and civil society in Serbia and $55 million to assist the Government of Montenegro in its ongoing political and economic reform efforts. It also authorizes increasing Voice of America and Radio Free Europe broadcasting to Yugoslavia in both the Serbo-Croatian and Albanian languages.

Second, the act prescribes assistance to the victims of Serbian oppression by authorizing the President of the United States to use authorities in the Foreign Assistance Act of 1961 to provide humanitarian assistance to individuals living in Kosovo for relief, rehabilitation, and reconstruction, and to refugees and persons displaced by the conflict.

Third, the act we will vote on tomorrow codifies the so-called ''outer wall'' of sanctions by multilateral organizations, including the international financial institutions.

I talked about this with Senator VOINOVICH of Ohio, and we agreed that we have to give the President more flexibility in this area.

Fourth, it authorizes other measures against Yugoslavia, including blocking Yugoslavia's assets in the United States; prohibits the issuance of visas and admission into the United States of any alien who holds a position in the senior leadership of the Government of Yugoslavia of Slobodan Milosevic or the Government of Serbia and to members of their families; and prohibits strategic exports to Yugoslavia, on private loans and investments and on military-to-military cooperation.

The act also grants exceptions on export restrictions for humanitarian assistance to Kosovo and on visa prohibitions to senior officials of the Government of Montenegro, unless that Government changes its current policy of respect for international norms.

The act contains a national interest waiver for the President. The President may also waive the act's provision if he certifies that ''significant progress has been made in Yugoslavia in establishing a government based upon democratic principles and the rule of law, and that respects internationally recognized human rights.''

Clearly, if the democratic opposition triumphs in the current elections, the chances will increase dramatically that the President will exercise this waiver option.

We, the Congress, are saying to the people of Serbia that they are our friends, not our enemies. It is their Government, it is Slobodan Milosevic that is the problem, not the Serbian people.

Today in the Committee on Foreign Relations, we discussed at length with Madeleine Albright what we should be doing about Serbia. I have discussed it as well with Senator VOINOVICH.

I see the Senator from Iowa is on the floor. He may be here for other reasons, but I know his keen interest in Serbia, the Serbian people, and the need for us to render assistance if they, in fact, move in the direction of democracy.

The act calls for Serbia to cooperate with the International Criminal Tribunal for the former Yugoslavia.

It also contains two important Sense of the Congress provisions. The first is that the President should condemn the harassment, threats, and intimidation against any ethnic group in Yugoslavia, but in particular against such persecution of the ethnic Hungarian minority in the Serbian province of Vojvodina.

The second voices support for a fair and equitable disposition of the ownership and use of the former Yugoslavia's diplomatic and consular properties in the United States.

Finally, in a move to facilitate the transition to democracy in the Federal Republic of Yugoslavia, Congress authorizes the President to furnish assistance to Yugoslavia if he determines and certifies to the appropriate congressional committees that a post-Milosevic Government of Yugoslavia is ''committed to democratic principles and the rule of law, and that respects internationally recognized human rights.''

Mr. President, the Serbia Democratization Act offers the President ample flexibility in dealing with Serbia. If Milosevic should succeed in frustrating the will of the Serbian people by stealing this election, the act will give the President of the United States a complete kit of peaceful tools to continue to try to undermine his oppressive regime.

If, on the other hand, the democratic opposition led by Mr. Kostunica manages to make its electoral victory stick, then the final provision of the act becomes the operative one in which we open up the spigot of increased assistance to a democratic Serbia. Obviously, this would be the preferred option.

Unfortunately, however, foreign policy is rarely so black and white. The apparent winner of the election, Mr. Kostunica, is vastly preferable to Milosevic, but this may be a case of damning by faint praise. As many of my colleagues have heard me say on other occasions, I met Milosevic in Belgrade during the Bosnian war and called him a war criminal to his face. Not only is he a war criminal, but he is thoroughly corrupt and anti-democratic.

Mr. Kostunica, by all accounts, is honest and democratic, a dissident in Communist times and a man with a reputation for probity. He seems, however, to represent a democratic, honest variant of a rather extreme Serbian nationalism.

His language describing NATO's Operation Allied Force has been strident. Like Milosevic—and most other Serbian politicians—he calls for the return of Kosovo to Belgrade's rule. But I am prepared to have an open mind on what he said. I can understand why, in running for President, being labeled by Mr. Milosevic as the ''dupe of the West'' and ''a puppet of the United States,'' he would feel the need to openly condemn the United States.

I also do not have a problem with the fact that he may have used tough language with regard to Kosovo. There is a difference between words and his actions. So I will have great problems with him if, in fact, he tries to again suppress the Kosovars, who, if he comes to power will probably increase their agitation for independence.

Moreover, Kostunica has repeatedly said that if he is elected he would refuse to hand over The Hague those Serbs indicted by the International War Crimes Tribunal.

To a large extent Kostunica's criticism of Milosevic's policies toward non-Serbs in the old Yugoslavia—Slovenes, Croats, Bosniaks, and Kosovars—is that those policies resulted in four failed wars. There is no indication, for example, that Kostunica would cut off Belgrade's support for the radical Bosnian Serbs who on a daily basis are trying to undermine the Dayton Agreement.

Of course, as I have indicated earlier, Kostunica's policies must be seen in the context of an electoral campaign. Nonetheless, they do reflect what the traffic will bear. In other words, they reflect his view of contemporary Serbian society.

During the Bosnian war and after it, I often stated publicly that in my opinion Croatian President Franjo Tudjman was cut from the same cloth as Milosevic—an aggressive, anti-democratic leader. The only reason I advocated helping to rebuild his army was because, unlike Serbia, Croatia did not represent a major threat to the region. In fact, in the summer of 1995 the reorganized Croatian Army provided the Bosnian Army and the Bosnian Croat militia the support necessary to rout the Bosnian Serbs and bring all parties to the negotiating table.

Since Tudjman's death, Croatia has proven that beneath the surface of Tudjman's authoritarianism a genuine, Western-style democratic body politic survived. The newly elected government of President Stipe Mesic and Prime Minister Ivica Racan has utilized this mandate not only to enact domestic democratic reforms, but also to cut off support for the radical Herzegovina Croats who have done everything in their power to undo Dayton. The government has also taken the much less popular step of handing over to The Hague Tribunal several high-ranking Croats who were indicted for alleged war crimes.

The United States has a great deal invested in a democratic, multiethnic Bosnia, and if Serbia and the rest of the world is lucky enough to be rid of Slobodan Milosevic, we should not give him an ex post facto victory by applying a looser standard of behavior on his successor than we have to Tudjman's successors in Croatia. To be blunt: respect for Dayton and cooperation with The Hague Tribunal must be litmus tests for any democratic government in Serbia.

I fervently hope that Mr. Kostunica emerges victorious in the Yugoslav elections. If he does, the United States should immediately extend to him a sincere hand of friendship, with the assistance outlined in the pending legislation.

We should make clear to him that if he chooses to cooperate with us, a ''win-win'' situation would result, with tangible benefits for the long-suffering and isolated Serbian people who, we should never forget, were this country's allies in two world wars during the twentieth century.

If, on the other hand, Mr. Kostunica comes to power and thinks that his undeniable and praiseworthy democratic credentials will enable him to pursue an aggressive Serbian nationalist policy with a kinder face, then we must disabuse him of this notion.

Should our West European allies choose to embrace a post-Milosevic, democratically elected, but ultra-nationalistic Serbia, then I would say to them ''good luck; we'll concentrate our policy in the former Yugoslavia on preparing democratic and prosperous Slovenia for the next round of NATO enlargement, on continuing to help reconstruct Bosnia and Kosovo, and on supporting the democratic governments in Macedonia, Croatia, and Montenegro.''

Mr. President, the long-frozen, icy situation in Serbia appears finally to be breaking up. I genuinely hope that Serbia is on the verge of democracy. I urge my colleagues to support the Serbia Democratization Act of 2000 in order to enable our government peacefully to deal with any eventuality in that country.

Mr. HARKIN. Mr. President, will the Senator yield?

Mr. BIDEN. I yield to the Senator from Iowa.

## THE VIOLENCE AGAINST WOMEN ACT AND THE NOMINATION OF BONNIE CAMPBELL

Mr. HARKIN. Mr. President, I want to engage in a small colloquy with the Senator. I tell my friend from Washington, I meant to get to the floor before the Senator finished speaking on the Violence Against Women Act.

Mr. BIDEN. Yes.

Mr. HARKIN. I know you switched from that to talk about our mutual enemy, Milosevic. But I wanted to, again, thank the Senator for his remarks and his strong support for the Violence Against Women Act. Hopefully, we will get it over here from the House and pass in due course.

But I want to ask the Senator this question. The Senator knows the person who heads the Violence Against Women Office in the Department of Justice, the former attorney general of the State of Iowa, Bonnie Campbell. She is the first and only person to head this office in all these years. She has done a great job. I think both sides recognize that.

I ask the Senator from Delaware, not only is it important to pass the Violence Against Women Act, to get it reauthorized, but isn't it also equally important to get people on the Federal bench who understand this issue, who have worked on this issue, like Bonnie Campbell, whose nomination is now pending before the Judiciary Committee?

I ask the Senator, wouldn't it be a good thing for this country to have someone with Bonnie Campbell's experience and her background and leadership in that office on the Eighth Circuit Court of Appeals? We have had the hearings. She has been approved. We have had all the hearings. She is supported by the bar association, and by the Iowa Police Association. She has broad-based support from both sides of the aisle.

I ask the Senator, wouldn't her confirmation be good for this country? Wouldn't it be good to have someone in the Eighth Circuit like Bonnie Campbell to make sure that the Violence Against Women Act was thoroughly enforced and upheld in our courts?

Mr. BIDEN. In response to my friend, the answer is absolutely yes. I will tell him that because I was the one who authored that act. The President was very gracious in calling me and asking me who I would like to see be the one to oversee that office. I recommended one, and only one person, the former attorney general of the State of Iowa who helped me write the act in the first instance, Bonnie Campbell.

I cannot tell you how disappointed, dismayed, and angry, quite frankly, I have been, as a member of the Judiciary Committee, about the fact that—I will be blunt about it—our Republican colleagues in the committee and here will not allow this woman to have a vote on the floor of the Senate. The ABA rates her highly. As you said, everyone I know in the Midwest who knows her, everyone, Republican and Democrat, likes her.

I see my friend SLADE GORTON on the floor. He knows a little bit about the process of picking judges. I am confident he and others, as my other colleagues in this room, would agree that qualified judges should not be kept from being on the bench for politics.

People say: Well, this is the usual thing. We hold up these judges all the time near the end of a session when there is going to be a Presidential election.

That is flat malarkey. Ask the Senator from Texas, Mr. GRAMM, who is a good friend of mine. He and I are on opposite ends of the political spectrum. I was chairman of the Judiciary Committee. My friend from Iowa may remember this. We went into a caucus in the last 2 days when President Bush was the President of the United States. We were about to go out of session, as we say in the Senate, and adjourn sine die. What happened? We walked out onto the floor of the Senate. The Senator from Texas said he had several qualified judges in Texas, Republicans, and why were we holding them up.

I went to our caucus and said: We should pass those judges. Several in our caucus, two who are no longer here, said they opposed this. I said: Well, you are going to have to oppose me to do it. On the floor of the Senate, the last day, the last hour, the last session, we passed those Texas judges.

I will never forget, the reason I love him so much, the Senator from Texas, Mr. GRAMM—who I kiddingly call ''Barbwire'' GRAMM; we kid each other—he walked up on the floor and put his hand out to me and he said: JOE, I want to thank you. You are one of the nicest guys here—that is not true—but he said: You are one of the nicest guys here. I want you to know one thing: I would never do it for you.

That is literally a true story, and he will repeat that story for you. The truth is, it is not good politics. It is not good justice. It is not good anything, just to hold up somebody.

By the way, it has been held up for a year. It is not as if they have held up this woman for the last 10 minutes, the last 10 days.

Mr. HARKIN. She has been in since earlier this year.

Mr. BIDEN. I think the long answer to a very short question is, this is an outrage. It is an outrage that she is not on the bench now. And I would hope that sanity would prevail.

Mr. HARKIN. I ask the Senator further, I had been hearing that one of the reasons that it might be hard to get Bonnie Campbell through was, well, this is a circuit court and it is right before an election. You have to understand that in an election year, we don't confirm very many circuit court judges. And so I looked back in the records. I wonder if the Senator can attest to this, since he is on the Judiciary Committee.

Mr. BIDEN. I was chairman for every one of these people. I can probably give you the names of all nine of these people.

Mr. HARKIN. In 1992, an election year, your committee confirmed nine circuit court judges.

Mr. BIDEN. That is right.

Mr. HARKIN. Under a Republican President.

Mr. BIDEN. This is in the waning hours. This last one, we were literally going out of session. I mean, we could have shut this place down easily and walked away and pretended to have a clear conscience and said: We have done the Nation's work.

To be fair about it, there were three members of our caucus who ripped me a new ear in the caucus for doing this, three of them. Two are gone; one is still around. No, we shouldn't do this. But this is an example of what happens.

I have been here since 1972. It started in October of the 1972 election. I wasn't here in the 1972 election. Then in the 1976 election, they started to hold up judges. They started holding up judges somewhere around September. And then it moved; by the 1980 election, they were being held up in July. This year, our Republican friends started 18 months ago to hold these folks up.

This is what I am worried is going to happen, and I will end with this. I am worried if we take back this place, we are going to have a lot of new women and men in this place say: Hey, the Republicans did that. Mark my words. You will have a bunch of Democratic Senators who have no institutional memory out here—if we have a Republican President and a Democratic Senate—holding up Republican judges a year out. This is bad, bad, bad precedent. This is not a good thing to do.

Mr. HARKIN. I ask the Senator further, is it true that we have only had one circuit judge that was nominated this year, approved?

Mr. BIDEN. Best of my knowledge. I don't do it day to day as I did before. Coincidentally, he was from Delaware.

Mr. HARKIN. The other reason I have heard that they had had trouble with Bonnie Campbell is that she wasn't nominated until early this year.

I did some further research. Again, I ask the Senator, he has a lot of institutional knowledge. I looked up the circuit court judges in 1992, to find out when they were nominated and when they were confirmed. If we look, here is one who was nominated in January of 1992, confirmed in September. Here is another one, January of 1992, confirmed in February of 1992. We come clear down here, there is one here, Timothy K. Lewis, nominated in September of 1992, hearing in September, confirmed in October, right before the election, nominated by a Republican President.

Mr. BIDEN. Look at Norm Stahl. Norm Stahl is in the first circuit, a New Hampshire judge. Norm Stahl was nominated in March. I held the hearing in June, and in June of that year, 1992, election year, we confirmed him. Justin Wilson didn't make it. There were reasons that that occurred, by the way. I can understand a political party saying: Hey, look, this nominee you have sent up is just not palatable to us. We in the majority will not vote for that person. We are flat not going to. I got that. I understand that.

The deal I made honestly, straight up with President Bush—if he were here,

he would acknowledge it, and my Republican colleagues on the committee will tell you—I said: Here is what I will do. If there is someone who is absolutely, positively going to be a fire storm, if they are brought up, I will flag that person as soon as you name him, tell you what the problem is, and tell you there is going to be a fight. And you can decide whether you want to go forward or not go forward.

That is not the case with Bonnie Campbell. I ask the Senator a question: Has anyone come to him and said, the reason I am against Bonnie Campbell is she is incompetent, or the reason I am against Bonnie Campbell is because she doesn't have a judicial temperament, or the reason I am against Bonnie Campbell is she is just not a mainstream person? I mean, I haven't heard anybody tell me why they are against Bonnie Campbell. Have you?

Mr. HARKIN. I can tell the Senator, no one has ever said that to me. In fact, Republicans in Iowa ask me why she is being held up. Why isn't she going through? Mainstream Republicans are asking me that. Editorials are being written in Iowa papers saying the Senate ought to move on this nominee and not hold her up. No, not one person has come up to me and said she is not qualified, not one person. When you were chairman and we had a Republican President and a Democratic Senate, we had just the opposite of what we have now. Nine circuit court judges were nominated in 1992 who were confirmed the same year.

Mr. BIDEN. In fairness, 5 of those 14 judges were not confirmed. We laid out why, and there was a great controversy about it. We debated it and we laid out why.

Again, I never question the right of the Senate or an individual Senator to say, I do not want so-and-so on the bench and I will tell you why and I will fight it.

I got that. I got that. I understand that. That is what the advise and consent clause is about. But what I don't get is: Hey, you know, she is a Democrat, we are Republicans. We may win so we will not confirm anybody until we determine whether we win.

Mr. HARKIN. I don't have all the memory the Senator has.

Mr. BIDEN. I have too much of it, unfortunately.

Mr. HARKIN. I am not on the Judiciary Committee. I had my staff look this up. I did remember Mr. Carnes, who was highly controversial, a very conservative assistant attorney general who was nominated that year, a lot of civil rights groups opposed him because he was considered one of the nation's best attorneys in arguing for the death penalty. There was talk about him being insensitive to civil rights, regarding the death penalty. Even with all of that, we brought him out on the floor and he passed in September of 1992. This was a controversial candidate. But, Bonnie Campbell has bipartisan support. Senator GRASSLEY and I have been calling for a Senate vote on her confirmation. She also has the bipartisan support from Democrats and Republicans from my state of Iowa who worked with her when she served as Iowa attorney general.

(Mr. L. CHAFEE assumed the chair.)

Mr. BIDEN. The point that is important to make for people who may be listening is that we Democrats controlled the committee. I remember this case explicitly because I got walloped. I ran for the Senate because of civil rights, and I got walloped because I held a hearing. Every liberal group in the country castigated me for holding the hearing. And then we referred Judge Carnes to the Senate—get this—in September of the election year; we confirmed a very controversial judge.

So, again, I understand the point the Senator is making. I just think this is a terrible precedent that we are continuing to pile on here. I think there is going to be a day when the nature of this place—as my Republican friends told me: What goes around comes around. That is a nice political axiom, but it is not good for the courts. We have a fiduciary responsibility under the Constitution to deal with the third coequal branch of the Government. We are not doing it responsibly. What the Senator hasn't mentioned and won't go into because the floor staff wants me to make a request here—but that doesn't even count. The District Court judges, where there are serious emergencies that exist because they cannot try the civil cases because the criminal cases are so backed up, we have held up for over a year.

Mr. HARKIN. I thank the Senator for yielding. I apologize to my friend from Washington who wants to speak. I did want to engage in this colloquy because of the history of the circuit judges. But, more specifically, everybody is now talking about the Violence Against Women Act and how it needs to be reauthorized. That must be done. Yet everybody is falling all over themselves. The House passed it today with 415 votes in the House.

Mr. BIDEN. Isn't that amazing—415 votes? You only get that on resolutions, say, for motherhood and the flag.

Mr. HARKIN. You know what 415 votes says to me? It says that the House has given Bonnie Campbell an A-plus for her job in implementing the provisions of the Violence Against Women's Act, since it became law in 1994. If you had somebody who had done a terrible job and given a bad impression of what the law was about, no, you would not have had 415 votes. It is obvious to all that Bonnie Campbell has run that office in an exemplary fashion, in a professional manner, and has brought honor to the judiciary, to the Department of Justice, and to this law that we passed here. Yet people are falling all over themselves today talking about how the Violence Against Women Act needs to be reauthorized. It makes sense to put someone on the federal bench who understands this important law because she helped write it and implement it.

Mr. BIDEN. When she was attorney general, she helped write it.

Mr. HARKIN. She can help make sure that the law lives, that the Violence Against Women Act is enforced by the courts by being on the Eighth Circuit. Yet she is being held up here. I will tell you, it is not right. I hope when we take up the Violence Against Women Act, which I hope we do shortly, I will have more to say about this sort of split personality that we see here. They say: Yes, we are for the Violence Against Women Act, but, no, don't put a woman on the circuit court who is widely supported, who has headed this office and did it in an exemplary fashion.

I thank the Senator.

Mr. BIDEN. Mr. President, I understand the passion the Senator feels. It is particularly difficult to go through this kind of thing when it is someone from your home State being so shabbily treated. I empathize with him. I might say parenthetically, Bonnie Campbell—and we are not being colloquial calling her Bonnie. People might be listening and saying, well, if this were a male, would they call him Johnny Campbell? Bonnie Campbell is what she is known as. So we are not making up pet names here. This is Bonnie Campbell.

This is a woman who has been an incredible lawyer, a first-rate attorney general in one of the States of the United States. She has run an office that, at its inception, didn't have a single employee, didn't have a single guideline, didn't have a single penny when she came in. She has done it in a fashion, as the Senator said, that the ABA thinks she is first rate. Coincidentally, this will cause controversy, but we seem to hold up people of color and women for the circuit court. They tend to get slowed up more than others around here. It simply is not right. This is a woman who is as mainstream as they come, who is well educated. If anybody has a judicial temperament, this person has it.

Mr. HARKIN. Absolutely.

Mr. BIDEN. Mr. President, I will join the Senator in whatever way he wants, as many times as he wants. I can't say enough good about Attorney General Campbell, and I have known her for a long time.

## MEASURE READ THE FIRST TIME—S. 3107

Mr. BIDEN. Mr. President, I understand that S. 3107, introduced earlier today by Senator GRAHAM of Florida, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 3107) to amend title 18 of the Social Security Act to provide coverage of outpatient prescription drugs under the Medicare Program.

Mr. BIDEN. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

Mr. BIDEN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. S. 2045.

Mr. GORTON. Mr. President, I ask unanimous consent to speak as in morning business, using such time as I may consume.

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

## PIPELINE SAFETY IMPROVEMENT ACT OF 2000

Mr. GORTON. Mr. President, earlier this afternoon, the distinguished chairman of the Commerce Committee, Senator MCCAIN, and my distinguished colleague, Senator MURRAY, and I believe others on both sides of the partisan divide, came to the floor to speak about the Pipeline Safety Improvement Act of 2000. That bill was passed by the Senate unanimously. It resulted from a broad, bipartisan coalition that worked over a period of more than 1 year here in the Senate. It was sparked by my colleague and myself as a result of a terrible tragedy—an explosion in a gasoline pipeline in Bellingham, WA, that snuffed out the lives of three wonderful young men, destroyed a magnificent park, and left physical damage that will be years in repair.

No individual involved in this debate got every single element in that bill that he or she wished. Liquid and natural gas pipelines are vitally important to the Nation and the transportation of fuels.

Some thought renewal of the act would be somewhat weaker than the present statutes. Others, myself included, wanted considerable strengthening, particularly with respect to local input into the way in which such pipelines are managed in communities near homes, schools, parks, and the like.

The net result, however, is a pipeline safety renewal that is a considerable and significant improvement over the present act. There will be more notice. There will be more severe penalties. There will be greater opportunities for local comment and local participation.

But in spite of all of this work, in spite of the passage of this bill, little is happening in the House of Representatives.

The Bellingham Herald, the daily newspaper in the community subjected to this tragedy, pointed out just a little bit more than a week ago that the passage of the Senate bill means nothing if it is not passed by the House.

Almost immediately, however, after the passage of the Senate bill, a number of Members of the House of Representatives began to place roadblocks in the way of the passage of the Senate bill, claiming it wasn't strong enough and it didn't do this, or it didn't do that, or it didn't do something else.

The House of Representatives has had exactly the same opportunity to deal with this issue as the Senate.

After a brief hearing a month or so after the accident took place, literally nothing at all took place in the House of Representatives. Many of us here were led to believe that if the Senate bill were passed in its ultimate form, it would be taken up and easily passed in the House of Representatives—until these last-minute critics began to point out what they consider to be the facts.

Talk is cheap. But talk doesn't create safer pipelines in the United States. Those who oppose this bill have proposed nothing with the remotest chance of passage by the House of Representatives, much less the Senate of the United States.

We have only a short time left. Those who criticize the bill as being too weak would do far better to pass the reforms that we have and attempt to build on them later than to destroy a bill which, if it does not pass within the next few weeks, will have to begin its process all over again next year, with highly questionable prospects.

Believing that accomplishment is better than demagoguery and that a bill beats oratory any day, I come here to join with both Republican and Democratic colleagues to plead with the Members of the House of Representatives to take up the Senate bill, to debate it to the extent the House wishes to do so, and to pass it so we can get it signed by the President and enacted—which, incidentally, I am confident would take place if the House were to pass the bill.

## PRESCRIPTION DRUGS

Mr. GORTON. Mr. President, I wish to speak on a subject in a happy vein.

Yesterday, the President sent a letter to the Speaker and to our majority leader on the subject of prescription drugs. In that letter he said:

> I urge you to send me the Senate legislation to let wholesalers and pharmacists bring affordable prescription drugs to the neighborhoods where our seniors live.

That proposal was passed by the Senate a couple of months ago as an amendment to the appropriations bill for the Department of Agriculture. It was sponsored by my colleague from Vermont, Senator JEFFORDS, and by Senator DORGAN of North Dakota on the other side of the aisle, others, and myself. It is one of two or three ways that I have determined to be appropriate to reduce the cost of prescription drugs—not just to some Americans, not just to seniors, not just to low-income seniors, but to all Americans—by ending, or at least arresting, the outrageous discrimination that is being practiced by American pharmaceutical manufacturing concerns that are benefiting from American research and development aspects, benefiting from the research paid for by the people of the United States through the National Institutes of Health, but still discriminating against American purchasers by charging them far more—sometimes more than twice as much—for prescription drugs than they do for the identical prescription drugs in Canada, in the United Kingdom, in Germany, New Mexico, and elsewhere around the world.

The proposal by Senator JEFFORDS and others to which the President referred at least allows our pharmacies and drugstores to purchase these drugs in Canada or elsewhere when they can find identical prescription drugs at lower prices than the American manufacturers will sell them for to these American pharmacists, and to reimport them into the United States and pass those savings on to our American citizens.

I don't often find myself in agreement with President Clinton, but I do in this case. I believe he is entirely right to urge the Speaker and the majority leader to include this proposal in the appropriations bill for the Department of Agriculture or, for that matter, any other bill going through the Senate and the House of Representatives, so that we can take this major step forward to slow down, at least, this unjustified discrimination in the cost of prescription drugs to all Americans.

In this case, I join with the President in asking both the Speaker and our majority leader to use their best efforts, as I believe they are doing, to see to it that this overdue relief is in fact offered.

## MICROSOFT APPEAL

Mr. GORTON. Mr. President, the Supreme Court, with eight of nine Justices concurring, has just agreed with Microsoft that the notorious prosecution of Microsoft by the Department of Justice should go through the normal process of appeal and should be determined and should be examined by the District of Columbia Circuit Court of Appeals before any possible or potential appeal to the Supreme Court of the United States.

This was a correct decision for a number of reasons, not the least of which is the complexity of the case and the length of the record which, under almost any set of circumstances, would go through the normal appeals process.

The district court judge who decided the case and who has determined, I think entirely erroneously, that Microsoft must be broken up, wished to skip the District of Columbia Circuit Court of Appeals, stating that this matter was of such importance that it should go directly to the Supreme Court. The real motivation of the lower court, I suspect, however, was the fact that one of the vital elements of the district court's decision is directly contradictory to a decision of just about 2 years

ago by the District of Columbia Circuit Court of Appeals—the integration of a browser/Microsoft operating system, a major step forward in technology and convenience for all of the purchasers of that system.

It is easy to understand why the district court judge didn't want to go back to a higher court that he had directly defied, but that is no justifiable reason for skipping a District of Columbia Circuit Court of Appeals, and the Supreme Court, I am delighted to say, agrees with that proposition.

This matter is now on its normal way through the appeals process, a process that I am confident will justify, in whole or in major part, the Microsoft Corporation, but only at great expense and at a great expenditure of time.

Once again, I call on this administration or on its successor to see the error of its ways in bringing this lawsuit in the first place. It has been damaging to innovation in the most rapidly changing technology in our society, one that has changed all of our lives more profoundly, I suspect, than any other in the course of our lifetimes. It is immensely damaging to our international competitiveness, encouraging, as it does, similar lawsuits by countries around the world that would love to slow down Microsoft's competitive innovation so they could catch up.

This is a field about which 10 or 15 years ago we despaired. Today, we are clearly the world leaders. For our own Government to be hobbling our own competitiveness is particularly perverse. It opens up the proposition that innovations in software will have to be approved by Justice Department lawyers before they can be offered to consumers in a way that seems to me to be perverse.

It doesn't take a great deal of courage to say that I trust Microsoft software developers in their own field more than I do Justice Department lawyers. At best, this was a private lawsuit, effectively brought on behalf of Microsoft competitors but being paid for by the taxpayers of the United States, where it should have, had it gone to court at all, been just that—a private lawsuit in which the Federal Government had little or no interest.

So, good news from the Supreme Court but news that can be greatly improved by a new administration's fresh look and the dismissal of its case in its entirety.

## MORNING BUSINESS

Mr. GORTON. Mr. President, I ask consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

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

## ACKNOWLEDGMENT OF SENATOR PAT ROBERTS' 100TH PRESIDING HOUR

Mr. LOTT. Mr. President, today, I have the pleasure to announce that Senator PAT ROBERTS has achieved the 100 hour mark as Presiding Officer. In doing so, Senator ROBERTS has earned his second Gold Gavel Award.

Since the 1960's, the Senate has recognized those dedicated Members who preside over the Senate for 100 hours with the golden gavel. This award continues to represent our appreciation for the time these dedicated Senators contribute to presiding over the U.S. Senate—a privileged and important duty.

On behalf of the Senate, I extend our sincere appreciation to Senator ROBERTS and his diligent staff for their efforts and commitment to presiding duties during the 106th Congress.

## INTERIOR APPROPRIATIONS

Ms. LANDRIEU. Mr. President, I rise to call the attention of this body to some very important negotiations that are underway.

We have debated many important subjects in this Congress as it comes to a close. Some of those larger subjects have been attempts to create a prescription drug benefit for the Nation, how should we go about doing that. We have had a long and intense debate on education. We have had debates on the privacy issue, on bankruptcy reform.

One of the debates in which we have engaged that has captured the attention of many people around the Nation—Governors and mayors, local elected officials, chambers of commerce, outdoor enthusiasts, environmentalists across the board—is our debate about how we should allocate a small portion of this surplus; what is the proper way to allocate that to preserve and enhance the environment of our Nation.

As we begin this century, this is a debate worth having because if we make the wrong decision, it will set us on a path where we will not be happy to end up. We need to make a good decision now. We are in the very crux of making that decision, as appropriators on both sides debate the final outcome of this year's Interior appropriations bill.

I urge Senators to pay attention, as carefully as they can, to the ongoing debates on how to allocate this funding.

On the one hand, there is a group saying: Let's just do more of the same. As it comes to our environment, we don't need to do anything differently. Let's just do more of the same. Let's just give a little more money to some Federal agencies to allocate the funding, and let's just come every year and decide year in and year out if we want to or if we don't, and how that money should be allocated.

There is a group of us called Team CARA, representing the Conservation and Reinvestment Act, which has been negotiating since the beginning of this Congress for a better way—a way that will bring more money to States on a guaranteed basis, money that Governors and mayors and local elected officials can count on—a revenue sharing bill, if you will, for the environment. It is something that will turn in a direction that will set us on a new and bold and exciting course.

I thank the President for his tremendous statements in the last couple of days urging Congress to move in this direction. He is urging us to do everything we can to make CARA—the Conservation and Reinvestment Act—the model. For the RECORD, I will submit something in which some States would be interested. I will be handing out this form later today.

For instance, if we stick with the old method, Colorado would receive $3.6 million. It is a beautiful State with wonderful environmental needs. They would get $3.6 million. Under CARA, if it is passed, Colorado could receive $46 million a year, and the Governor and local elected officials would have input into how it was spent.

Let's take Georgia. Under this bill, this year they would get a measly $500,000. Under CARA, they would be guaranteed a minimum of $32 million a year.

Let's take Kentucky. Again, they would get a measly $500,000 in this year's environmental bill. Under CARA, they would get a guarantee of $15 million a year for the preservation of open spaces, for wildlife conservation, and for the expansion of our parks and recreation.

Let's take Minnesota. Minnesota gets nothing in the bill being negotiated. Under CARA, they would get $29 million a year.

I will be submitting the details because I am here to say let's allow the best proposal to win in this debate. Let us fight it on its merits. Let us discuss the benefits of CARA. These are some of the benefits that I am outlining.

New Jersey is one of our most populated States—the Garden State, a State that has just levied on its people a billion dollar bond issue to preserve open spaces. People in New Jersey feel strongly about this. Under the old way, the way the negotiators are carving this up, they get a measly $875,000. Under CARA, they would receive $40 million a year.

Let's take New York, another large State. They would get $2.8 million in the bill being negotiated, but if we stick to our guns and fight hard for CARA, New York could get $17 million a year. Most certainly, the population deserves those kinds of numbers.

Finally, Washington State is a beautiful State, one that has a history of leading us in the environmental area. Washington gets fairly well treated in this bill with $12.7 million. Under CARA, if we hold true to the principles, Washington State could get $47 million a year. That is a big difference for the people of Washington State—from $12.7 million to $47 million. I could go on.

Under CARA, we have a guarantee. Under the current negotiations, the same that has gone on for the last 25 years, there is no guarantee. I am saying that under CARA we can have full

funding for the land and water conservation, help coastal States such as Louisiana that produce the necessary revenues. Under the old way—the way that has been going on for 25 years—it has failed to meet our obligations and we get shortchanged. Under CARA, it is a real legacy. Under the negotiations, the stage is set.

I thank the Senator from Utah for giving me his remaining time. I see another Senator on the floor who may want to speak on this issue. Let me conclude by urging the Members of the Senate to focus on these negotiations, and I will be back later to give some more information on this important issue. I yield back whatever time I have remaining.

## YUGOSLAV ELECTIONS AND THE SERBIA DEMOCRATIZATION ACT

Mr. HELMS. Mr. President, it is clear that a fair vote count in this weekend's elections will result in victory for the candidate of the opposition forces. Mr. Vojislav Kostunica. The people of Yugoslavia clearly have voted for democratic change, and the time has come for Yugoslavia's brutal dictator, Slobodan Milosevic, to have the decency to accept the will of his people and leave office peacefully.

Not surprisingly, Milosevic has indicated he intends to do no such thing. I fully expect him to do everything in his power to steal this election to enable him to remain in power.

In order to support the majority of Serbs who voted for peace and democracy, I urge my colleagues to support the Serbia Democratization Act—legislation that I introduced more than 18 months ago—designed to undermine the murderous Milosevic regime and thereby support democratic change in Serbia.

The Serbia Democratization Act calls for the United States to identify and give aid to the democratic forces in Serbia opposing Milosevic's tyranny, including independent media and nongovernmental organizations in Serbia. And it makes clear that unless and until there is a democratic government in Yugoslavia, the United States will maintain the sanctions that we have in place today.

When the Serbian people finally gain the government in Belgrade that they voted for this weekend—a government based on freedom, democracy and rule of law—I will lead an effort in Congress to ensure that the United States provides them with substantial support to assist their nation's democratic transition. I am hopeful that day will come soon.

I also commend the important role played by Montenegro in this weekend's elections. The decision by the vast majority of Montenegrins to boycott this election indicates the level of support in that republic for the course of democratic, free-market reforms proposed by President Djukanovic.

Montenegro deserves the support of the United States, and can serve as an example to the people of Serbia regarding the benefits they could enjoy in a post-Milosevic era.

## STOP TAX-EXEMPT ARENA DEBT ISSUANCE ACT

Mr. MOYNIHAN. Mr. President, early this Congress, I introduced S. 224, the Stop Tax-Exempt Arena Debt Issuance Act or STADIA for short. This bill would end a tax subsidy that inures largely to the benefit of wealthy sports franchise owners, by eliminating tax-subsidized financing of professional sports facilities. This legislation would close a loophole that provides an unintended Federal subsidy—in fact, contravenes Congressional intent—and that contributes to the enrichment of persons who need no Federal assistance whatsoever.

This is the fourth time I have introduced this legislation, and I chose to keep the original effective date for a number of reasons. Most importantly, because Congress intended to eliminate the issuance of tax-exempt bonds to finance professional sports facilities as part of the Tax Reform Act of 1986.

At the same time, I recognized that a few localities may have expended significant time and funds in planning and financing a professional sports facility, in reliance upon professional advice on their ability to issue tax-exempt bonds. Thus, in my original introductory statement, I specifically requested comment regarding the need for equitable relief for stadiums already in the planning stages.

In response to my request, several localities that had been planning to finance professional sports facilities with tax-exempt bonds came forward and provided the details necessary to craft appropriate ''binding contract'' type transitional relief. Accordingly, I agreed to change the bill in subsequent Congresses to exempt projects which had progressed to a point where it would be unfair to stop them.

Now I have been contacted by others who make the case that retaining the 1996 effective date creates a lack of certainty which is unhealthy for communities desiring new stadiums and for the bond market itself. Therefore, I am inserting into the record my intention to modify the effective date if and when S. 224 is adopted in committee or on the Senate floor.

Mr. President, I ask that this language be printed in the RECORD.

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

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to bonds issued on or after January 19, 1999—

(2) EXCEPTION FOR CONSTRUCTION, BINDING AGREEMENTS, OR APPROVED PROJECTS.—The amendments made by this section shall not apply to bonds—

(A) The proceeds of which are used for—

(i) the construction or rehabilitation of a facility—

(I) if such construction or rehabilitation began before January 19, 1999 and was completed on or after such date, or

(II) if a State or political subdivision thereof has entered into a binding contract before January 19, 1999 that requires the incurrence of significant expenditures for such construction or rehabilitation and some of such expenditures are incurred on or after such date; or

(ii) the acquisition of a facility pursuant to a binding contract entered into by a State or political subdivision thereof before January 19, 1999, and

(B) which are the subject of an official action taken by relevant government officials before January 19, 1999—

(i) approving the issuance of such bonds, or

(ii) approving the submission of the approval of such issuance to a voter referendum.

(3) EXCEPTION FOR FINAL BOND RESOLUTIONS.—The amendments made by this section shall not apply to bonds the proceeds of which are used for the construction or rehabilitation of a facility if a State or political subdivision thereof has adopted a final bond resolution before January 19, 1999, authorizing the issuance of such bonds. For this purpose, a final bond resolution means that all necessary governmental approvals for the issuance of such bonds have been completed.

(4) SIGNIFICANT EXPENDITURES.—For purposes of paragraph (2)(A)(i)(II), the term 'significant expenditures' means expenditures equal to or exceeding 10 percent of the reasonably anticipated cost of the construction or rehabilitation of the facility involved.

## NATIONAL ENDOWMENT FOR DEMOCRACY

Mr. LUGAR. Mr. President, I rise to call attention to report language in the Senate version of the Commerce, Justice, and State, the Judiciary, and related agencies appropriations bill, which directs the National Endowment for Democracy (NED) to spend 20 percent of its budget on ''nation-building'' activities in four war-stricken areas. The language appears in the committee report. Although the language is not mandatory, it sends a strong message that compliance by NED is expected. I believe that the language should be deleted.

I would like to commend the work of the chairman and ranking member of the CJS Appropriations subcommittee, Senator GREGG and Senator HOLLINGS, for providing the NED with the resources to conduct its vital work. NED and its four core institutes do an exceptional job in assisting grassroots democrats in more than 80 countries around the world. NED has a strong track record, developed through involvement in virtually every critical struggle for democracy over the past fifteen years. NED supported the democratic movements that helped bring about peaceful transitions to democracy in Poland, the Czech Republic, Chile, and South Africa. NED is also playing an important role in supporting some of the newer democracies, such as Indonesia, Nigeria, Croatia, and Mexico.

I am very familiar with the work of NED and its institutes because I serve on NED's Board of Directors. I serve on the Board along with two other Senators and two Members of the House representing both political parties. We

are all concerned about the implications of the committee's report language on the operations and mission of the Endowment.

In its report, the committee recommends that NED spend 20 percent of its entire budget to reconstitute civil governments in four seriously troubled areas—Sierra Leone, the Democratic Republic of Congo, Kosovo, and East Timor. I am pleased to report that NED is working in each of these areas on long-term democratic development. The Endowment is helping non-governmental organizations, whose leaders are facing grave danger to their personal safety, as they report on human rights abuses, campaign for peace, and provide independent news and information to the public.

We need to keep in mind that NED's mission is not to ''build'' nations or governments, but to help promote democracy. It does this giving a helping hand to those inside other countries through financial and technical assistance to nurture a strong civil society and market economy. NED is successful precisely because it targets its assistance to grassroots democratic groups.

I do not support the report language because its implementation would undermine NED's mission while forcing NED to withdraw scarce resources from other priority countries. It would be a mistake to divert NED's modest budget to a handful of crisis situations which are already receiving enormous sums of international assistance. It is unlikely that the funds suggested in the report language could positively impact these war-torn areas, but by consuming 20 percent of NED's budget, the language will hamstring NED's ability to perform its work in many other critical countries.

NED is a cost-effective investment that advances our national interest and our fundamental values of democracy and freedom. It is crucial, therefore, that we address the committee's goals in the report language without compromising the ability of NED to carry out its work effectively.

I urge the Senate and House conferees on the Commerce, Justice, and State, the Judiciary, and related agencies appropriations bill to delete the report language directing the NED to expend funds for nation-building activities in four troubled conflicts.

## REIMPORTATION OF PRESCRIPTION DRUGS

Mr. DORGAN. Mr. President, in recent days we have heard a lot about various proposals that would allow for the reimportation of prescription drugs. Patients pay more for the prescription drugs in the United States than anywhere else in the world. That is just not right. The Senate passed a proposal that Senator JEFFORDS and I authored that would allow for the reimportation of prescription drugs as long as certain steps are taken to ensure safety for American consumers.

I am pleased that the Administration and the Republican leaders in Congress have agreed to work together to take this common sense step towards making prescription drugs more affordable for everyone. Dr. David Kessler, former head of the FDA, has sent me a letter expressing his support for the Senate version of the reimportation language. Dr. Kessler agrees that we must reform the current system so that American consumers have access to safe and affordable medicine. At this time, I ask unanimous consent to have printed in the RECORD a letter from David Kessler for the Dorgan-Jeffords proposal in which he expresses support for our approach.

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

SEPTEMBER 13, 2000.

Hon. BYRON DORGAN,
*719 Hart Senate Office Building,*
*Washington, DC.*

DEAR SENATOR DORGAN: Thank you very much for your letter of Sept. 12, 2000. I very much applaud the effort that you and your colleagues are making to assure that the American people have access to the highest quality medicines. As you know, my concerns about the re-importation of prescription drugs center around the issues of assuring quality products. The Senate Bill which allows only the importation of FDA approved drugs, manufactured in approved FDA facilities, and for which the chain of custody has been maintained, addresses my fundamental concerns. The requirement that the importer maintain a written record of the chain of custody and batch testing to assure the product is both authentic and unadulterated provides an important safety net for consumers.

Let me address your specific questions. First, I believe U.S. licensed pharmacists and wholesalers—who know how drugs need to be stored and handled and who would be importing them under the strict oversight of the FDA are well positioned to safely import quality products rather than having American consumers do this on their own. Second, if the FDA is given the resources necessary to ensure that imported, FDA-approved prescription drugs are the authentic product, made in an FDA-approved manufacturing facility, I believe the importation of these produces could be done without causing a greater health risk to American consumers that currently exists. Finally, as a nation we have the best medical armamentarium in the world. Over the years FDA and the Congress have worked hard to assure that the American public has access to important medicine as soon as possible. But developing life saving medications doesn't do any good unless Americans can afford to buy the drugs their doctors prescribe. The price of prescription drugs poses a major public health challenge. While we should do nothing that compromises the safety and quality of our medicine it is important to take steps to make prescription drugs more affordable.

I applaud your efforts to provide American consumers with both safe and affordable medicine.

Sincerely,

DAVID A. KESSLER, M.D.

## ANGELS IN ADOPTION

Mr. GRASSLEY. Mr. President, today is the celebration for Angels in Adoption and as a member of the Congressional Coalition on Adoption, I am proud to participate in such an important event.

I commend Diane, and Jim Lewis, from Marion, IA. I nominated this amazing couple as Angels in Adoption.

Diane and Jim Lewis are the proud parents of ten beautiful children, eight of whom are adopted. Five of their adopted children have special health care needs, some with physical needs, other with mental health needs. Two of their adopted children are biologic siblings and their adoption has allowed them to stay together. Their family now consists of children from several different ethnic and racial backgrounds. The Lewis' also are frequently foster parents to other children in need, usually those with special health care needs.

As special education teachers, the Lewis' have seen the need over many years for foster and adoptive parents for children who have special needs. The Lewis' are truly devoted to making the world a better place for children. By committing their lives to raising children who might not have otherwise had a chance, they have improved the lives of children and given us all something to aspire to. They are Angels in Adoption.

## THE VIOLENCE AGAINST WOMEN ACT OF 2000

Mr. LEAHY. Mr. President, I rise today to again urge the Senate to bring up and pass, S. 2787, the Violence Against Women Act of 2000, VAWA II—we are quickly running out of time to reauthorize it. The authorization for the original Violence Against Women Act, VAWA, expires at the end of this week on September 30, 2000. There is absolutely no reason to delay this bill which has overwhelming bipartisan support.

I have joined Senators from both sides of the aisle at rallies and press conferences calling for the immediate passage of this legislation. The bill has 70 co-sponsors and is a significant improvement of the highly successful original VAWA which was enacted in 1994. There is no objection on the Democratic side of the aisle to passing VAWA II. Unfortunately, there have been efforts by the majority party to attach this uncontroversial legislation to the ''poison pill'' represented by the version of bankruptcy legislation currently being advanced by Republicans. I do not agree with stall tactics like this one and believe we should pass VAWA II as a stand-alone bill, without further delay.

Yesterday, in New Mexico, where he was releasing funding made available through VAWA for one of the country's oldest battered women's shelters, the President made a public plea for Congress to reauthorize VAWA, claiming, ''[T]his is not rocket science. Yes we're close to an election . . . But it is wrong to delay this one more hour. Schedule

the bill for a vote.'' I urge my colleagues to heed the cry of the President as he speaks on behalf of the almost 1 million women around this country who face domestic violence each year.

The President called domestic violence ''America's problem'' and I could not agree with him more. When we talk about reauthorizing the Violence Against Women Act we are not just talking about a big bureaucratic government program the effects of which we can't really see. With this bill we are talking about reauthorizing critical programs that have had a tremendous immediate effect on how this Nation handles domestic violence and its victims. We are at risk of jeopardizing what has been one of the most effective vehicles for combating domestic violence if we let this law expire.

I have heard from countless people in Vermont that have benefitted from grant funding through VAWA programs. VAWA II ensures the success of these crucial programs such as the Rural Domestic Violence Grant program. These grants are designed to make victim services more accessible to women and children living in rural areas. I worked hard to see this funding included in the original VAWA in 1994, and I am proud that its success has merited an increased authorization for funding in VAWA II. Rural Domestic Violence and Child Victimization Enforcement Grants have been utilized by the Vermont Network Against Domestic Violence and Sexual Assault, the Vermont Attorney General's Office, and the Vermont Department of Social and Rehabilitation Services to increase community awareness, to develop cooperative relationships between state child protection agencies and domestic violence programs, to expand existing multi disciplinary task forces to include allied professional groups, and to create local multi-use supervised visitation centers.

I witnessed the devastating effects of domestic violence when I was the Vermont State's Attorney for Chittenden County. In those days, long before the passage of the Violence Against Women Act, VAWA, there were not support programs and services in place to assist victims of these types of crimes. Today, because of the hard work and dedication of those in Vermont and around the country who work in this field every day, an increasing number of women and children are being aided by services through domestic violence programs and at shelters around the Nation. Lori Hayes, Executive Director of the Vermont Center for Crime Victim Services, and Marty Levin, Coordinator of the Vermont Network Against Domestic Violence and Sexual Assault, have been especially instrumental in coordinating VAWA grants in Vermont.

Let the Senate pass S. 2787, the Violence Against Women Act 2000 without further delay before its critical programs are jeopardized. It was cleared for passage by all Democratic Senators two months ago and should be passed today. It is past time to reauthorize and build upon the historic programs of the Violence Against Women Act and do all that we can to protect children from the ravages and lasting impact of domestic violence.

A Washington Post editorial today called the failure to pass the reauthorization of the Violence Against Women Act, ''inexplicable neglect,'' claiming that ''[t]here seems to be no good reason practical or substantive, to oppose reauthorization of the Violence Against Women Act.'' That could not be more true Mr. President. I ask unanimous consent that the editorial from the September 26, 2000 edition of the Washington Post be printed in the RECORD.

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

[From the Washington Post, Sept. 26, 2000]

INEXPLICABLE NEGLECT

There seems to be no good reason, practical or substantive, to oppose reauthorization of the Violence Against Women Act. Originally passed in 1994, the act provides money to state and local institutions to help combat domestic violence. It is set to expire at the end of the month. Its reauthorization has overwhelming bipartisan support. But House and Senate leaders have yet to schedule a vote.

Versions of the bill have been favorably reported by the judiciary committees of both chambers. Both would expand programs that during the past five years have helped create an infrastructure capable of prosecuting domestic violence cases and providing services to battered women. Since the original act was passed, Congress has devoted $1.5 billion to programs created by it. The House and Senate bills differ, but both would authorize more than $3 billion in further support during the next five years. There is room to debate the proper funding level relative to other priorities, a matter which will be determined later by appropriators; and the programs won't end immediately if the act lapses, because funds have been approved for the coming year. But failing to reauthorize would send the wrong message on an important issue and, more important, could threaten future appropriations.

With time in the 106th Congress running out, the Violence Against Women Act may become a casualty of neglect rather than of active opposition. But that's no comfort. Congress ought to find the time to pass it before leaving town.

## NAKAMURA COURTHOUSE

Mr. GORTON. Mr. President, today the Washington state Congressional delegation introduced bills in the House and in the Senate to honor a fallen hero, William Kenzo Nakamura, by designating the Seattle federal courthouse in his honor. This brave soldier fought in Italy during World War II, and he died valiantly protecting his battalion. The day he died, Mr. Nakamura had already risked his life and saved his combat team by disarming an enemy machine gun stronghold. Mr. Nakamura should have received the Medal of Honor for this act of bravery, but he did not.

Even as this man's family was held in an internment camp in Idaho, he volunteered for duty in the United States military, and he headed to Italy to serve his country. After his heroic and selfless deeds, Mr. Nakamura was posthumously eligible for the Medal of Honor, but in World War II the Army did not award Japanese-Americans the Medal of Honor. I was pleased that earlier this year that twenty-two veterans, in similar circumstances to and including Mr. Nakamura, received Medals of Honor for their brave service in World War II. These men and their families waited too long for proper recognition and appreciation, and these honors are well deserved.

Though military heroes are often given medals for their service, the people of Washington state would like to extend a special tribute to Mr. Nakamura by naming the federal courthouse in Seattle in his honor. This action has not only the support of the entire Washington congressional delegation, but of local communities, veteran and military retiree organizations, and by Medal of Honor recipients in the Senate, my friends DANIEL INOUYE and BOB KERREY. To this outpouring, I add my support and commitment to seeing this designation passed through the Senate and acted into law.

## VICTIMS OF GUN VIOLENCE

Mrs. BOXER. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

September 26, 1999: Robert Coney, 64, Miami, FL; Derrick Edwards, 22, Washington, DC; Philip Harris, 27, Detroit, MI; Samala McGee, 24, New Orleans, LA; Michael D. Miles, 48, Hollywood, FL; David Sexton, 43, Baltimore, MD; and Unidentified Female, 47, Nashville, TN.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

## THE IDEA FULL FUNDING ACT

Mr. SMITH of Oregon. Mr. President, I rise to make a few remarks concerning the IDEA Full Funding Act of 2000.

Mr. President, before I begin, I would like to take this opportunity to thank

my colleague, Senator GREGG, for his leadership on this important legislation.

I rise today to lend my support to S. 2341, the IDEA Full Funding Act of 2000. One of my top priorities as a United States Senator has been to provide equal access to high quality public education for all children, including those with special needs. My commitment to education for those with special needs began while I was a State legislator and worked with the Oregon Disabilities Council to ensure that children with special needs had equal access to a quality education. I have continued that work here in the Senate, but realize that we have a long ways to go.

This legislation takes a step in the right direction by funding the federal mandates put forth in the Individuals with Disabilities Education Act (IDEA). These federal funds will free up state and local dollars that can then be used in the classroom for new textbooks, pencils and computers that are necessary for students to learn.

In 1954, the Supreme Court established, in Brown v. Board of Education, that all children are guaranteed equal access to education under the 14th Amendment of the Constitution. Despite this decision, it was estimated that one million children with disabilities were being denied access to public education. It was not until 1975, with the passage of the Individuals with Disabilities Education Act, that equal access to education was extended to children with disabilities.

The purpose of the 1975 IDEA legislation was ''[T]o assure that all children with disabilities have available to them, a free appropriate public education which emphasizes special education and related services designed to meet the unique needs, to assure the rights of children with disabilities and their parents or guardians are protected, to assist States and localities to provide for the education of all children with disabilities, and to assess and assure the effectiveness of efforts to educate children with disabilities.''

With the passage of IDEA the federal government promised to assist states with 40 percent of the national average per pupil expenditure for disabled children. Based on the national average per pupil expenditure for the year 2000, 40 percent of that average would represent approximately $2,500 per student. However, since 1975 the federal government has not met this commitment. In fact, the federal government gets an ''F'' in arithmetic in this instance, currently paying only 12.7 percent of the per pupil expenditure.

But, we are slowly working to improve this grade. In 1997, funding for IDEA was only $2.6 billion. In the last 3 years, the Republican-controlled Congress has nearly doubled Federal funding on IDEA to approximately $4.9 billion. Although Congress has allocated more money to IDEA, current funding levels are 3.1 times less than what is needed to fully fund the forty percent commitment.

The purpose of providing this additional funding to the IDEA program is to free up local and state dollars. Currently state and local education agencies have been forced to divert their precious resources to pay for the additional costs, due to federal mandates, of educating children with disabilities.

As a result, Washington has created an inappropriate and unfair conflict between children with disabilities and children without. We owe it to all children to live up to our responsibility and resolve this conflict.

This important legislation would take a step in that direction by authorizing funding for Part B of the Individuals with Disabilities Education Act to reach the Federal government's goal of providing 40 percent of the national average per pupil expenditure to assist states and local education agencies with the excess costs of educating children with disabilities.

By steadily working to increase IDEA funding to $2 billion each year annually until 2010, Congress would increase opportunity and flexibility for local school districts to fund the programs that they feel are best for their students, whether it be school construction, teacher training or smaller classrooms.

I was pleased to see that the House of Representatives passed similar legislation, H.R. 4055, on May 3, 2000 with a 421–3 vote. It is my hope that the Senate can follow the strong lead of the House and work for swift passage of this necessary legislation.

## THE CHILDREN'S PUBLIC HEALTH ACT OF 2000 AND THE YOUTH DRUG AND MENTAL HEALTH SERVICES ACT

Mr. HATCH. Mr. President, I am delighted the Senate has now given final approval to an important bill that will go far toward improving our nation's public health infrastructure. I strongly support the Children's Public Health Act of 2000 and the Youth Drug and Mental Health Services Act (H.R. 4365). I hope this measure will soon pass the House as well.

It is obvious that we owe our colleagues on the Health, Education, Labor, and Pensions Committee a debt of gratitude for their perseverance and dedication in developing this landmark legislation which contains a number of provisions of importance to my home state of Utah.

The Children's Health Act of 2000 authorizes services that will ensure the health and well-being of future generations of America's young people, our most precious resources. I can think of no more important aim for legislation than to focus on our nation's future by providing for our children today.

At the same time, through the Youth Drug and Mental Health Services Act, the bill will address serious drug abuse issues that affect our young people, including a reauthorization of the important programs of the Substance Abuse and Mental Health Services Administration, SAMHSA.

The SAMSHA reauthorization legislation will improve this vital agency by providing greater flexibility for states and accountability based on performance, while at the same time placing critical focus on youth and adolescent substance abuse and mental health services. SAMHSA, formerly known as the Alcohol, Drug Abuse, and Mental Health Services Administration, ADAMHA, was created in 1992 by Public Law 102–321, the ADAMHA Reorganization Act. SAMHSA's purpose is to assist states in addressing the importance of reducing the incidence of substance abuse and mental illness by supporting programs for prevention and treatment.

SAMHSA provides funds to states for alcohol and drug abuse prevention and treatment programs and activities, and mental health services through the Substance Abuse Prevention and Treatment, SAPT, and the Community Mental Health Services, CMHS, Block Grants. SAMHSA's block grants are a major portion of this nation's response to substance abuse and mental health service needs.

As a proud supporter of H.R. 4365, I would like to highlight several provisions that are based on legislation I have introduced.

First, this legislation reauthorizes the Traumatic Brain Injury Act, a law I authored in 1996. By incorporating my bill, S. 3081, H.R. 4365 will extend authority for the critical Traumatic Brain Injury, TBI, programs from fiscal year 2001 through 2005.

Each year, approximately two million Americans experience a traumatic brain injury; in Utah, 2000 individuals per year experience brain injuries. TBI is the leading cause of death and disability in young Americans, and the risk of a traumatic brain injury is highest among adolescents and young adults. Motor vehicle accidents, sports injuries, falls and violence are the major causes. These injuries occur without warning and often with devastating consequences. Brain injury can affect a person cognitively, physically and emotionally.

Important provisions added to the Traumatic Brain Injury Act through this bill include extending the Center for Disease Control and Prevention's, CDC, grant authority so it may conduct research on ways to prevent traumatic brain injury. In addition, the legislation directs the CDC to provide information to increase public awareness on this serious health matter. The bill also calls on the National Institutes of Health, NIH, to conduct research on the rehabilitation of the cognitive, behavioral, and psycho-social difficulties associated with traumatic brain injuries.

Finally, the measure requests the Health Resource Services Administration to provide and administer grants

for projects that improve services for persons with a traumatic brain injury.

I am grateful that the members of the HELP Committee were willing to include provisions from my legislation which reauthorizes this program. As a result, many more deserving individuals whose lives and families have been affected by a traumatic brain injury will now receive some type of assistance or help.

Second, the Children's Health Act of 2000 also contains a bill that I authored, S. 3080, to address a troubling yet treatable malady—poor oral health in children.

I have been concerned over reports from Utah and around the country about the poor oral health of our nation's children. A recent General Accounting Office report on dental disease calls tooth decay the most common chronic childhood disease and finds that it is most prevalent among low-income children.

Eighty percent of untreated decayed teeth is found in roughly 25 percent of children, mostly from low-income and other vulnerable groups. Decay left untreated leads to infection, pain, poor eating habits, and speech impediments.

Compounding this problem is that there are few places for these children to receive care. Low provider reimbursement rates from state-operated dental plans make it financially impossible for private practitioners to treat all the children in need. Today, there are a large number of children living in either the inner city or in rural areas who do not have a place to seek treatment. Our goal should be to provide access to dental care to children, regardless of where they live.

Therefore, I am pleased to report that the ''Children's Public Health Act of 2000'' contains provisions to address this serious health concern. The legislation directs the Secretary of Health and Human Services to establish a program funding innovative oral health activities to improve the oral health of children under six years of age. The legislation will make these grants available to innovative programs at community health centers, dental training institutions, Indian Health Service facilities, and other community dental programs.

Let's face it, dental disease in young children is a significant public health problem. And this legislation is the beginning of a coordinated, inter-agency strategy that will assist states and localities reduce this preventable problem.

I am also pleased that we are considering the Youth Drug and Mental Health Services Act. This legislation addresses many important issues such as drug abuse and mental health services and how to treat these serious problems within our society.

One issue that is highlighted in this bill is the prevention of teen suicide. This is an issue that is rapidly becoming a crisis not only in my State of Utah but throughout the entire country.

Young people in the United States are taking their own lives at alarming rates. The trend of teen suicide is seeing suicide at younger ages, with the United States suicide rate for individuals under 15 years of age increasing 121 percent from 1980 to 1992. Suicide is the third leading cause of death for young people aged 15 to 24, and the fourth leading cause of death for children between 10 and 14. In 1997 study, 21 percent of the nation's high school students reported serious thoughts about attempting suicide, with 15.7 percent making a specific plan.

Utah consistently ranks among the top ten states in the nation for suicide, and we continue to see increases in suicide rates among our youth. In Utah, suicide rates for ages 15 to 19 have increased almost 150 percent in the last 20 years. According to the CDC, Utah had the tenth highest suicide rate in the country during 1995–1996 and was 30 percent above the U.S. rate. This is one statistical measure on which I want to see my state at the bottom.

Although numerous symptoms, diagnoses, traits, and characteristics have been investigated, no single fact or set of factors has ever come close to predicting suicide with any accuracy.

I have worked on legislation that will help us determine the predictors of suicide among at risk and other youth. We need to understand what the barriers are that prevent youth from receiving treatment so that we can facilitate the development of model treatment programs and public education and awareness efforts. It also calls for a study designed to develop a profile of youths who are more likely to contemplate suicide and services available to them.

This bill also contains provisions from S. 1428, the Methamphetamine Anti-Proliferation Act of 2000. I introduced this bill because of evidence that methamphetamine remains a threat to the entire country, and particularly to my state of Utah. Elements of this bill are also contained in S. 486 as it was reported by the Judiciary Committee.

Throughout my travels in Utah, I have heard from state and local law enforcement officials, mayors, city councils, parents, and youth about the seriousness of the methamphetamine problem.

Recently, I held two field hearings in Utah during which I heard directly from constituents whose lives had been affected by methamphetamine. I listened to a mother tell a heart-wrenching story of how her beloved daughter had become addicted to methamphetamine and how she feared for her daughter's life. She tearfully described her daughter as being two people, the person ''who has the values of our family, who is kind hearted and loving; and then there's our daughter who's the meth user, and they are completely opposite.''

I also heard testimony from the wife of a methamphetamine addict. I heard how her husband's methamphetamine addiction destroyed their marriage and their financial security. Painfully, she explained how her husband put her and their infant son at risk when he decided to manufacture methamphetamine in their home. She had no choice but to report his activities to the police, a decision that undoubtedly will haunt her for the rest of her life.

Methamphetamine use is an insidious virus sapping the strength and character of our country. We need to attack it. This bill contains the tools to help the people of Utah and the rest of the country fight this wicked drug.

This bill bolsters the Drug Enforcement Agency's, DEA, ability to combat the manufacturing and trafficking of methamphetamine by authorizing the creation of satellite offices and the hiring of additional agents to assist State and local law enforcement officials. More than any other illicit drug, methamphetamine manufacturers and traffickers operate in small towns and rural areas. And, unfortunately, rural law enforcement agencies often are overwhelmed and in dire need of the DEA's expertise in conducting methamphetamine investigations.

To address this problem, the bill authorizes the expansion of the number of DEA resident offices and posts-of-duty, which are smaller DEA offices often set up in small and rural cities that are overwhelmed by methamphetamine manufacturing and trafficking. There are also provisions to assist state and local officials in handling the dangerous toxic waste left behind by methamphetamine labs.

To counter the dangers that manufacturing drugs like methamphetamine inflict on human life and on the environment, the bill imposes stiffer penalties on manufacturers of all illegal drugs when their actions create a substantial risk of harm to human life or to the environment. The inherent dangers of killing innocent bystanders and, at the same time, contaminating the environment during the methamphetamine manufacturing process warrant a punitive penalty that will deter some from engaging in the activity.

Finally, the bill increases penalties for manufacturing and trafficking the drug amphetamine, a lesser-known, but no-less dangerous drug than methamphetamine. Other than for a slight difference in potency, amphetamine is manufactured, sold, and used in the same manner as methamphetamine. Moreover, amphetamine labs pose the same dangers as methamphetamine labs. Not surprisingly, every law enforcement officer with whom I have spoken agreed that the penalties for amphetamine should be the same as those for methamphetamine. For these reasons, the bill equalizes the punishment for manufacturing and trafficking the two drugs.

While we know that vigorous law enforcement measures are necessary to combat the methamphetamine scourge, we also recognize that we must act to prevent our youth from ever starting

down the path of drug abuse. We also must find ways to treat those who have become trapped in addiction. For these reasons, the bill contains several significant prevention and treatment provisions.

The comprehensive nature of this bill attacks the methamphetamine problem on several fronts. It bolsters our law enforcement efforts to crack down on traffickers, provides treatment and prevention funding for our schools and communities, and authorizes much needed resources for cleaning-up the toxic pollutants left behind by methamphetamine lab operators.

I have been working for over a year with colleagues on both sides of the aisle and in both Houses of Congress to pass this important legislation. It is important to highlight that, as part of this process, there have been changes to the bill made in response to legitimate complaints raised by my colleagues and constituents. For example, provisions relating to search warrants and the Internet have been deleted because of these concerns.

Overall, this bill represents a bipartisan effort that will result in real progress in our continuing battle against the scourge of methamphetamine.

Yet another important anti-drug abuse provision in this bill we are adopting today is the Drug Addiction Treatment Act, or the DATA bill. With the bipartisan cosponsorship of Senators LEVIN, BIDEN and MOYNIHAN, I introduced S. 324 last year, and I am pleased that this bill has been inserted in H.R. 4365.

In 1999, as part of the comprehensive methamphetamine bill, S. 486, the DATA bill was reported by the Judiciary Committee and adopted by the full Senate. The DATA bill also was included in the anti-drug provisions that were adopted as part of the bankruptcy reform legislation, S. 625, that passed the Senate last year. I hope the third Senate passage is indeed the charm.

The goal of the DATA provisions is simple but it is important: The DATA bill attempts to make drug treatment more available and more effective to those who need it.

This legislation focuses on increasing the availability and effectiveness of drug treatment. The purpose of the Drug Addiction Treatment Act is to allow qualified physicians, as determined by the Department of Health and Human Services, to prescribe schedule III, IV and V anti-addiction medications in physicians' offices without an additional Drug Enforcement Administration, DEA, registration if certain conditions are met.

These conditions include certification by participating physicians that they are licensed under state law and have the training and experience to treat opium addicts and they will not treat more than 30 in an office setting unless the Secretary of Health and Human Services adjusts this number.

The DATA provisions allow the Secretary, as appropriate, to add to these conditions and allow the Attorney General to terminate a physician's DEA registration if these conditions are violated. This program will continue after three years only if the Secretary and Attorney General determine that this new type of decentralized treatment should not continue.

This bill would also allow the Secretary and Attorney General to discontinue the program earlier than three years if, upon consideration of the specified factors, they determine that early termination is advisable.

Nothing in the waiver policy called for in my bill is intended to change the rules pertaining to methadone clinics or other facilities or practitioners that conduct drug treatment services under the dual registration system imposed by current law. And nothing in this bill is intended to diminish the existing authority of DEA to enforce rigorously the provisions of the Controlled Substances Act. Doctors and health care providers should be free to practice the art of medicine but they may never violate the terms of the Controlled Substances Act.

In drafting the waiver provisions of the bill, the Drug Enforcement Agency, the Food and Drug Administration, and the National Institute on Drug Abuse were all consulted. Secretary Shalala has provided her leadership in this area. As well, this initiative is consistent with the announcement of the Director of the Office of National Drug Control Policy, General Barry McCaffrey, of the Administration's intent to work to decentralize methadone treatment.

In 1995, the Institute of Medicine of the National Academy of Sciences issued a report, ''Development of Medications for Opiate and Cocaine Addictions: Issues for the Government and Private Sector.'' The study called for ''(d)eveloping flexible, alternative means of controlling the dispensing of anti-addiction narcotic medications that would avoid the 'methadone model' of individually approved treatment centers.''

The Drug Addiction Treatment Act—DATA—is exactly the kind of policy initiative that experts have called for in America's multifaceted response to the drug abuse epidemic. I recognize that the DATA legislation is just one mechanism to attack this problem, and I plan to work with my colleagues in the Congress to devise additional strategies to reduce both the supply and demand for drugs.

These provisions promote a policy that dramatically improves these lives because it helps those who abuse drugs change their lives and become productive members of society. We have work to do on heroin addiction. For example, a 1997 report by the Utah State Division of Substance Abuse, ''Substance Abuse and Need for Treatment Among Juvenile Arrestees in Utah'' cites literature reporting heroin-using offenders committed 15 times more robberies, 20 times more burglaries, and 10 times more thefts than offenders who do not use drugs. We must stop heroin abuse in Salt Lake City and in all of our nation's cities and communities.

In my own state of Utah, I am sorry to report, according to a 1997 survey by the State Division of Substance Abuse, about one in ten Utahns used illicit drug in a given survey month. That number is simply too high; although I cannot imagine that my colleagues would not be similarly alarmed if they looked at data from their own states. We must prevent and persuade our citizens from using drugs and we must help provide effective treatments and systems of treatments for those who succumb to drug abuse.

I hope that the success of this system will create incentives for the private sector to continue to develop new medications for the treatment of drug addiction, and I hope that qualified doctors will use the new system and that general practice physicians will take the time and effort to qualify to use this new law to help their addicted patients. I am proud to have worked with the Administration and my colleagues on a bipartisan basis in adopting the DATA provisions and creating this new approach that undoubtedly will improve the ability for many to obtain successful drug abuse treatment.

In closing, I also want to commend the many staff persons who have worked so hard on this bill. These include Dave Larson, Anne Phelps, Jackie Parker, Marcia Lee, Kathleen McGowan, Leah Belaire, David Russell, Pattie DeLoatche and Bruce Artim in the Senate and Marc Wheat and John Ford in the House.

I strongly support this legislation and urge my colleagues in the House to pass it as quickly as possible. It is a bill that will raise awareness on children's health issues and, at the same time, assist those who have specific needs with regard to alcohol abuse, drug abuse and mental health issues. It is a good consensus product and is worthy of our support.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, September 25, 2000, the Federal debt stood at $5,646,252,666,475.97, five trillion, six hundred forty-six billion, two hundred fifty-two million, six hundred sixty-six thousand, four hundred seventy-five dollars and ninety-seven cents.

Five years ago, September 25, 1995, the Federal debt stood at $4,949,969,000,000, four trillion, nine hundred forty-nine billion, nine hundred sixty-nine million.

Ten years ago, September 25, 1990, the Federal debt stood at $3,213,942,000,000, three trillion, two hundred thirteen billion, nine hundred forty-two million.

Fifteen years ago, September 25, 1985, the Federal debt stood at

$1,823,103,000,000, one trillion, eight hundred twenty-three billion, one hundred three million.

Twenty-five years ago, September 25, 1975, the Federal debt stood at $552,347,000,000, five hundred fifty-two billion, three hundred forty-seven million which reflects a debt increase of more than $5 trillion—$5,093,905,666,475.97, five trillion, ninety-three billion, nine hundred five million, six hundred sixty-six thousand, four hundred seventy-five dollars and ninety-seven cents during the past 25 years.

## ADDITIONAL STATEMENTS

### RECOGNITION OF SEA CADET MONTH

● Mr. GRAMS. Mr. President, September is Sea Cadet Month, and today I rise to pay tribute to the Naval Sea Cadet Corps. Sea Cadet organizations exist in most of the maritime nations around the world. Having recognized the value of these organizations, the Department of the Navy requested the Navy League to establish a similar program for American youth.

Since their creation in 1958—and their federal incorporation by Congress in 1962—the Naval Sea Cadets Corps has encouraged and aided American youth ages 13–17, training them in seagoing skills and instilling within them patriotism, courage, and commitment. By teaching America's youth the important role of maritime service in national defense and economic stability, the Corps has produced responsible and capable leaders. Weekly and monthly drills at local units and more intensive two-week training sessions, stress physical fitness, seamanship, shipboard safety, first aid, naval history, and leadership while advanced training sessions range from a submarine seminar to aviation school. Thanks in part to this training, Sea Cadets demonstrate the leadership skills and responsibility that allow them to excel and become leaders in their communities.

I wish to pay special tribute to LT Lance Nemanic and the Twin Cities Squadron of the Sea Cadets, for their dedicated service to Minnesota's Youth. I would also like to thank those men and women who continue to make the U.S. Sea Cadets Corps the pride of the Navy.●

### NEW HAMPSHIRE HOUSE SPEAKER DONNA SYTEK

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Donna Sytek as she retires as Speaker of the New Hampshire House of Representatives. Donna's dedication to public service is remarkable, and she has done much in her twelve terms in the House to make life better for the people of our great state.

Throughout her nearly quarter century as a member of the House, Donna has worked tirelessly on issues about which she feels passionate: crime, juvenile justice reform and education. She has shepherded numerous bills into law, including legislation that established the Department of Corrections, legislation that guarantees truth in sentencing; and an anti-stalking law. She also authored two amendments to the New Hampshire Constitution, including one to limit abuse of the insanity defense in 1984 and another to earmark sweepstakes revenues to education in 1990. Donna has held many leadership positions during her distinguished career as well. She has been active for many years in the National Conference of State Legislatures and currently sits on their executive committee. She is also a former chairwoman of the New Hampshire Republican Party and a past president of the National Republican Legislators association.

Donna's position in the state legislature has allowed her to travel the world to promote New Hampshire. She has visited Germany, England, Taiwan, Latvia, Zimbabwe, South Africa and Israel to learn about their cultures and economies while helping them learn a little more about our great state.

Donna and her husband John have been fixtures in their hometown of Salem since they moved there almost 30 years ago. They devote their time and energy to many local organizations including the Salem Boys and Girls Club and the Salem Visiting Nurse Association.

Donna's dedication to her community and the legislature are exemplary, and her accomplishments have not gone unnoticed. The editors of New Hampshire Editors Magazine named her ''the most powerful woman in New Hampshire'' in 1997.

Once again, I would like to thank Speaker Sytek for her tremendous service to the people of New Hampshire and wish her good health and happiness in her retirement. I am proud to call her my friend, and I am honored to represent her in the United States Senate.●

### TRIBUTE TO EDWARD MASTERS

● Mr. THOMAS. Mr. President, as Chairman of the Subcommittee on East Asian and Pacific Affairs, I would like to extend my appreciation and congratulations to former Ambassador Edward Masters on the occasion of his retirement on October 18 from his position as President of United States-Indonesia Society.

During his 30-year career in the Foreign Service, in which he reached the senior rank of Career Minister, Ambassador Masters served as U.S. Ambassador to Indonesia and Bangladesh and Deputy Chief of Mission to Thailand. He also held posts in India and Pakistan and an assignment as director of the State Department's Office of East Asian Regional Affairs that involved policy coordination for the entire area.

Indonesia figured prominently in both Ambassador Masters' diplomatic and private sector careers. As Political Counselor of the United States Embassy in Jakarta from 1964–68, he worked on reconstructing U.S. relations with Indonesia at a very difficult time. This included closing out our economic aid, information and Peace Corps programs because of the highly adverse political situation in Indonesia. Toward the end of that period, he worked with various elements of the U.S. Government and NGOs to reinstitute some of those programs but to do so in a way commensurate with Indonesian culture and sensitivities. He is, in fact, particularly known in both Indonesia and the United States for his ability to work effectively in the Indonesian environment.

As United States Ambassador from late 1977 until the end of 1981, one of his major responsibilities was managing a large and very important economic aid program. He worked in particular and in detail on the Provincial Development Program, the programs to expand Indonesia's food grain production and enhance human resources development. Toward the end of his tour he organized various elements of the mission to develop programs to get the U.S. Government more effectively behind the programs to develop Indonesia's private sector and increase cooperation between that sector and the United States.

In 1994, Ambassador Masters was instrumental in forming the United States-Indonesia Society. The Society is the preeminent institution in the United States devoted to developing a broad range of programs aimed at developing greater awareness and appreciation about Indonesia and the importance of the U.S.-Indonesia relationship in all major sectors in the U.S. Ambassador Masters has given briefings throughout the United States to academic institutions and other interested groups. He has provided witness testimony on numerous occasions before the Senate and House Foreign Relations Subcommittees on East Asian and Pacific Affairs on numerous occasions. He has organized conferences and other forums bringing Indonesians and Americans together to discuss short and long-term issues of mutual concern. One such conference he organized last October in cooperation with the Embassy of Indonesia in Washington DC., brought some of the most impressive, influential, and knowledgeable individuals from Indonesia and the United States to discuss the 50 years of diplomatic relations between the two countries and to provide policy suggestions to both governments on how to strengthen ties in the new millennium.

On September 28, 1998 the Indonesian government recognized Ambassador Masters' valuable contributions and decorated him with the Bintang Mahaputra Utama, the second highest

award given by the Government of Indonesia for his commitment and contribution to forging closer ties between the U.S. and Indonesia.

As Chairman, I would also like to recognize and say thanks Ambassador Masters for the valuable work he has done. When I began my tenure as Chairman, Indonesia was—unfortunately—largely ignored in the United States. Despite being the fourth largest country in the world, and the largest Muslim country, its accomplishments and its importance to the United States as a friend and ally were largely overlooked and reduced to occasional tongue-lashings regrading Timor Timur.

I made changing that situation a top priority of my chairmanship. And my job was made a lot easier by Ambassador Masters.

The United States-Indonesia Society has greatly shaped, increased awareness and knowledge and provided support to those of us in the United States, including both houses of Congress, the administration and the government, the press, NGO community, academia and the population at large on the importance of Indonesia to the United States. Over the last two years this Society has become even more essential in helping the United States to understand the complex dynamics involved in moving from an authoritarian regime to the third largest democracy in the world.

I understand why Ambassador Masters has decided to step down as President; he has earned the respite. But those of us concerned with the U.S.-Indonesia relationship will surely miss him and his steady hand at the tiller. I can only profoundly thank him for his many years of public service to the United States, and to his life-long commitment to improving relations between the United States and Indonesia. As the Indonesians would say, ''Terima kasih banyak.''●

## OBSERVANCE OF ROSH HASHANAH

● Mr. ASHCROFT. Mr. President, on the occasion of the beginning of Rosh Hashanah and the High Holy Day season, Janet and I are pleased to offer our best wishes to Missouri's Jewish community, and to our Jewish friends throughout the United States and the world. As the High Holiday Machzor, or prayerbook, states, ''On Rosh Hashanah it is written and on Yom Kippur it is sealed,'' what will be our fates for the year to come. With this in mind, it is my sincere hope that this year will bring to all of us: peace throughout the world, peace in Israel, and everlasting peace in a united Jerusalem, the eternal capital of Israel.

During this time of year, your days of awe, know that I join with you in the sanctity of your celebration. May this period's spirit of reconciliation and renewal remind all Missourians, of all faiths, of our shared responsibilities, toward families, friends, neighbors, and fellow citizens.

Once again, Janet joins me in sending our best wishes to Jews everywhere for the year 5761, and in saying, L'Shana Tova Tekateivu—may you be inscribed in the Book of Life for a good year.●

## TRIBUTE TO THE HONORABLE CONNIE MACK OF FLORIDA AND HIS STAFF

● Mr. GRAHAM. Mr. President, with respect and admiration, I offer a tribute to my colleague from Florida, The Honorable CONNIE MACK.

Senator MACK has served his state and nation with distinction, and I have been honored to serve with him in this institution to represent the people of Florida. CONNIE and Priscilla Mack have long been our neighbors in Washington; they will always remain our friends.

I was first elected to the United States Senate in 1986, CONNIE MACK was elected in 1988. As colleagues in the Senate, we set out to work together on behalf of Florida.

Senator MACK and I are loyal members of different political parties. We don't always vote the same, nor do we agree on every issue. But, as Senator MACK prepares to leave this institution, I can say with pride that we achieved our goal of working together—and our staffs have worked together—on behalf of Floridians.

In offering this personal salute to Senator MACK, I also wish to praise the dedication and professionalism of his staff. On behalf of my family and my staff, I thank Senator MACK's staff—past and present—and wish them continued success.

During his two terms in the United States Senate, Senator MACK assembled a talented staff which made multiple contributions to public service. I ask that the names of these current and past members of Senator MACK's staff be printed in the RECORD as a token of our appreciation and to reflect their significant roles in the history of this great institution.

The list follows:

THE FOLLOWING STAFF MEMBERS WORKED FOR SENATOR MACK IN THE 106TH CONGRESS

WASHINGTON, DC OFFICE

Tysha Banks, Beth Ann Barozie, Frank Bonner, Curtis Brison, Cara Broughton, Amy Chapman, Tracie Chesterman, Treasa Chopp, Deidra Ciriello, Julie Clark, Charles Cooper, Steve Cote, Dan Creekman, Colleen Cresanti, Graham Culp.

Susan Dubin, Rochelle Eubanks, Michael Gaines, Buz Gorman, Wendy Grubbs, Alan Haeberle, Patrick Kearney, Sheila Lazzari, C.K. Lee, Peter Levin, Ross Lindholm, Adam Lombardo, Cathy Marder, Jordan Paul, Elaine Petty.

Lauren Ploch, John Reich, Bethany Rogers, Suzanne Schaffrath, Carrie Schroeder, Nancy Segerdahl, Gary Shiffman, Boaz Singer, Benjamin Skaggs, Mark Smith, Sean Taylor, Yann Van Geertruyden, Greg Waddell, and Barbara Watkins.

FORT MYERS OFFICE

Chris Berry, Helen Bina, Ann Burhans, Wendolyn Grant, Shelly McCall, Diana McGee, David Migliore, Rose Ann Misener, Patty Pettus, Sharon Thierer, and Catherine Thompson.

JACKSONVILLE OFFICE

Shannon Hewett and Carla Summers.

MIAMI OFFICE

Richard Cores, Sigrid Ebert, Gladys Ferrer, Mercedes Leon, Sarah Marerro, Nilda Rodriguez, and Patrick Sowers.

PENSACOLA OFFICE

Andrew Raines and Kris Tande.

TALLAHASSEE OFFICE

Jennifer Cooper, Courtney Shumaker, and Greg Williams.

TAMPA OFFICE

Barbara Dicairano, Jim Harrison, Elizabeth Sherbuk, Jamie Wilson, and Amy Woodard.

THE FOLLOWING WORKED PRIOR TO 106TH CONGRESS, BUT PROBABLY WORKED CLOSELY WITH BG'S OFC

FORMER STAFF

Mitch Bainwol, Scott Barnhart, Glenn Bennett, Ellen Bork, Shellie Bressler, Jamie Brown, Kim Cobb, Jeff Cohen, Kerry Fennelly, Kimberly Fritts, Mary Anne Gauthier, Lawrence Harris, Stacey Hughes.

Jackie Ignacio, Joe Jacquot, Chris Lord, Mark Mills, Bob Mottice, Yvonne Murray, Sheila Ross, Mary Beth Savary Taylor, Saul Singer, Meredith Smalley Quellette, Jeffery Styles, Dawn Teague, Beth Walker, and Jeffrey Walter.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 2:30 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1064. An act to authorize a coordinated program to promote the development of democracy in Serbia and Montenegro.

H.R. 4451. An act to designate the facility of the United States Postal Service located at 1001 Frederick Road in Baltimore, Maryland, as the ''Frederick L. Dewberry, Jr. Post Office Building.''

H.R. 4899. An act to establish a commission to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Asia-Pacific region through the promotion of democracy, human rights, the rule of law, and for other purposes.

H.R. 5224. An act to amend the Agriculture Trade Development and Assistance Act of 1954 to authorize assistance for the stockpiling and rapid transportation, delivery, and distribution of shelf stable prepackaged foods to needy individuals in foreign countries.

H.R. 5234. An act to amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act to certain former spouses of deceased Hmong veterans.

H.R. 5239. An act to provide for increased penalties for violations of the Export Administration Act of 1979, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 399. Concurrent resolution recognizing the 25th anniversary of the enactment of the Education for All Handicapped Children Act of 1975.

H. Con. Res. 407. Concurrent resolution to direct the Secretary of the Senate to correct technical errors in the enrollment of S. 1455.

H. Con. Res. 409. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of the bill H.R. 1654.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 2392) to amend the Small Business Act to extend the authorization for the Small Business Innovation Research Program, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bill, without amendment:

S. 1455. An act to enhance protections against fraud in the offering of financial assistance for college education, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 2909. An act to provide for implementation by the United States of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, and for other purposes.

H.R. 4919. An act to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes.

S. 430. An act to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Kake Tribal Corporation, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

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At 5:08 p.m. a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 109. Joint resolution making continuing appropriations for the fiscal year 2001, and for other purposes.

## MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 4551. An act to designate the facility of the United States Postal Service located at 1001 Frederick Road in Baltimore, Maryland, as the ''Frederick L. Dewberry, Jr. Post Office Building''; to the Committee on Governmental Affairs.

H.R. 4899. An act to establish a commission to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Asia-Pacific region through the promotion of democracy, human rights, the rule of law, and for other purposes; to the Committee on Foreign Relations.

H.R. 5224. An act to amend the Agriculture Trade Development and Assistance Act of 1954 to authorize assistance for the stockpiling and rapid transportation, delivery, and distribution of shelf stable prepackaged foods to needy individuals in foreign countries; to the Committee on Agriculture, Nutrition, and Forestry.

## MEASURE PLACED ON THE CALENDAR

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 399. Concurrent resolution recognizing the 25th anniversary of the enactment of the Education for All Handicapped Children Act of 1975.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 26, 2000, he had presented to the President of the United States the following enrolled bill:

S. 430. An act to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Kake Tribal Corporation, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–10903. A communication from the Chief of the Programs and Legislation Division, Office of the Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report relative to the initiation of a single-function cost comparison at Eglin Air Force Base, Florida; to the Committee on Armed Services.

EC–10904. A communication from the Under Secretary of Defense, transmitting, pursuant to law, a report relative to the Environmental Technology Program; to the Committee on Armed Services.

EC–10905. A communication from the Assistant Secretary of State (Legislative Affairs), Department of State, transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Canada, Denmark, French Guiana or Sea Launch, Israel, Italy, Japan, Kouru, Poland, Republic of Korea, South Korea, Spain, Switzerland, The Netherlands, Turkey, and The United Kingdom; to the Committee on Foreign Relations.

EC–10906. A communication from the Assistant Secretary of State (Legislative Affairs), Department of State, transmitting, pursuant to law, the report of the transmittal of the notice of proposed transfer of major defense equipment relative to The Government of the United Kingdom (HMG); to the Committee on Foreign Relations.

EC–10907. A communication from the Assistant Secretary of State (Legislative Affairs), Department of State, transmitting, pursuant to law, a report relative to the United Nations agency or United Nations affiliated agency; to the Committee on Foreign Relations.

EC–10908. A communication from the Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, a report relative to the incidental capture of sea turtles in commercial shrimping operations; to the Committee on Commerce, Science, and Transportation.

EC–10909. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Pipeline Safety: Underwater Abandoned Pipeline Facilities'' (RIN2137–AC33) received on September 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10910. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials Regulations: Editorial Corrections and Clarification'' (RIN2137–AD47) received on September 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10911. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Polski Zaklady Lotnicze Spolka zo.o. Models PZL M18, M18A, and M18B Airplanes; docket No. 99–CE–84 [9–15/9–21]'' (RIN2120–AA64) (2000–0471) received on September 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10912. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileira de Aeronautica S.A. Model EMB 135 and EMB 145 Series Airplanes; docket No. 2000–NM–301 [9–18/9–25]'' (RIN2120–AA64) (2000–0472) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10913. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileira de Aeronautica SA Model EMB 135 and EMB 145 Series Airplanes; docket No. 2000–NM–300; [9–18/9–25]'' (RIN2120–AA64) (2000–0473) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10914. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Aircraft Company Beech Models 1900C, 1900C12 and 1900D Airplanes; docket No. 2000–CE–02 [9–18/9–25]'' (RIN2120–AA64) (2000–0475) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10915. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Hugoton, KS; docket No. 00–ACE–18 [9–18/9–25]'' (RIN2120–AA66) (2000–0223) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10916. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; McPherson, KS; docket No. 00–ACE–17 [9–18/9–25]'' (RIN2120–AA66) (2000–0224) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10917. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Pella, LA; docket No. 00–ACE–26 [9–18/9–25]'' (RIN2120–AA66) (2000–0225) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10918. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Service Difficulty Reports; 2120 AF71; Docket No. 28293'' (RIN2120–AF71) received on September 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10919. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Commercial Space Transportation Reusable Launch Vehicle and Reentry Licensing Regulations docket No. FAA–1999–5535 [9–19/9–25]'' (RIN2120–AG71) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10920. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Financial Responsibility Requirements for Licensed Reentry Activities; docket No. FA 1999–6265 [9–19/9–25]'' (RIN2120–AG76) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10921. A communication from the Senior Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Electric Vehicle Safety'' (RIN2127–AF43) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10922. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Annual Specifications'' (RIN0648–AN36) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10923. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Mackerel, Squid and Butterfish Fisheries; Inseason Adjustment Procedures'' received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10924. A communication from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Spectrum at 2 GHz for Use by the Mobile-Satellite Service (ET Docket No. 95–18)'' (ET Docket No. 95–18, FCC 00–233) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10925. A communication from the General Counsel of National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Code of Conduct for International Space Station Crew'' (RIN2700–AC40) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10926. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled ''Nursing Home Staffing and Quality Improvement Act of 2000''; to the Committee on Finance.

EC–10927. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled ''Capital Gains, Partnership, Subchapter S, and Trust Provisions'' (RIN1545–AW22) (TD 8902) received on September 22, 2000; to the Committee on Finance.

EC–10928. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update'' (Notice 2000–42) received on September 25, 2000; to the Committee on Finance.

EC–10929. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled ''Qualified Zone Academy Bonds'' (RIN1545–AY01) received on September 25, 2000; to the Committee on Finance.

EC–10930. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rev. Proc. 2000–39—2001 Per Diem Rates'' (Rev. Proc. 2000–39) received on September 25, 2000; to the Committee on Finance.

EC–10931. A communication from the Executive Secretary, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Bonus to Reward States for High Performance'' (RIN0970–AB66) received on September 25, 2000; to the Committee on Finance.

EC–10932. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations 65 FR 53915 09/06/2000'' (Docket No. FEMA–FEMA–D7501) received on September 15, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–10933. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Fair Market Rents for Fiscal Year 2001'' (FR–4589–N–02) received September 25, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–10934. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''12 C.F.R. Part 709 Involuntary Liquidation of Federal Credit Unions and Adjudication of Creditor Claims Involving Federally-Insured Credit Unions in Liquidation'' received on September 25, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–10935. A communication from the Chairman of the Board of Governors of the Federal Reserve System and the Chairman of the Securities and Exchange Commission, transmitting jointly, pursuant to law, a report relative to market for small business and commercial mortgage related securities; to the Committee on Banking, Housing, and Urban Affairs.

EC–10936. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, a draft of proposed legislation entitled ''National Aeronautics and Space Administration Federal Employment Reduction Assistance Act Amendments''; to the Committee on Governmental Affairs.

EC–10937. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on September 25, 2000; to the Committee on Governmental Affairs.

EC–10938. A communication from the Director of the Information Security Oversight Office, National Archives and Records Administration, transmitting, pursuant to law, the annual report for 1999; to the Committee on Governmental Affairs.

EC–10939. A communication from the Congressional Review Coordinator of the Animal Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Citrus Canker; Addition to Quarantined Areas; Correction'' (Docket #00–036–2) received on September 22, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10940. A communication from the Under Secretary of the Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Urban and Community Forestry Assistance Program'' received on September 25, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10941. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of eight rules entitled ''Azoxystrobin; Pesticide Tolerance'' (FRL #6749–1), ''Bifenthrin; Pesticide Tolerances for Emergency Exemptions'' (FRL #6744–4), ''Dimethyl silicone polymer with silica; silan, dichloromethyl-, reaction product with silica; hexamethyldisilizane, reaction product with silica; Tolerance Exemption'' (FRL #6745–1), ''Ethametsulfuron-methyl; Pesticide Tolerances for Emergency Exemptions'' (FRL #6744–1), ''Halosulfuron-methyl; Pesticide Tolerance'' (FRL #6746–2), and ''Hexythiazox; Pesticide Tolerance'' (FRL #6746–5), ''Methacrylic Acid-Methyl Methacrylate-Polyethylene Glycol Methyl Ether Methacrylate Copolymer; and Maleic Anhydride-ox-Methylstyrene Copolymer Sodium Salt; Tolerance Exemption'' (FRL #6745–2), and ''Yucca Extract; Exemption From the Requirement of a Tolerance'' (FRL #6748–3) received on September 25, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10942. A communication from the Regulations Officer, Office of the Secretary of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Policy Guidance Concerning Application of Title VI of the Civil Rights Act of 1964 to Metropolitan and Statewide Planning'' received on May 25, 2000; to the Committee on Environment and Public Works.

EC–10943. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled ''National Priorities List for Uncontrolled Hazardous Waste Sites'' (FRL #68774) and ''Pennsylvania: Final Authorization of State Hazardous Waste Management Program Revisions'' (FRL #6875–3) received on September 21, 2000; to the Committee on Environment and Public Works.

EC–10944. A communication from the Assistant Secretary, Division of Endangered Species, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled ''Final Determination of critical habitat for the Alameda whipsnake (Masticophis

lateralis euryxanthus)'' (RIN1018–AF98) received on September 22, 2000; to the Committee on Environment and Public Works.

EC–10945. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting two items; to the Committee on Environment and Public Works.

EC–10946. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled ''Acquisition Regulation'' (FRL #6874–5) and ''Approval and Promulgation of Implementation Plans; New York State Implementation Plan Revision'' (FRL #6873–2) received on September 25, 2000; to the Committee on Environment and Public Works.

EC–10947. A communication from the Assistant General Counsel of the National Science Foundation, transmitting, pursuant to law, the report of a rule entitled ''Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance'' (RIN1190–AA28) received on September 22, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10948. A communication from the Assistant Secretary for Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''25 CFR Part 38—Southwestern Indian Polytechnic Institute (SIPI) Personnel System'' (RIN1076–AE02) received on September 21, 2000; to the Committee on Indian Affairs.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–622. A resolution adopted by the City of Pembroke Pines, Florida relative to the restoration of the Everglades; to the Committee on Environment and Public Works.

POM–623. A resolution adopted by the New Jersey State Federation of Women's Clubs, relative to the dumping of dredged materials at the Historic Area Remediation Site; to the Committee on Environment and Public Works.

POM–624. A resolution adopted by the New Jersey State Federation of Women's Clubs, relative to worldwide trafficking of women and girls; to the Committee on Foreign Relations.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany S. 353, a bill to provide for class action reform, and for other purposes (Rept. No. 106–420).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 893: A bill to amend title 46, United States Code, to provide equitable treatment with respect to State and local income taxes for certain individuals who perform duties on vessels (Rept. No. 106–421).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRAHAM (for himself, Mr. BRYAN, Mr. KENNEDY, Mr. ROCKEFELLER, and Mr. ROBB):

S. 3107. A bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the medicare program; read the first time.

By Mr. DORGAN:

S. 3108. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. MURRAY (for herself, Mr. INOUYE, Mr. KERREY, and Mr. GORTON):

S. 3109. A bill to designate the United States courthouse located at 1010 Fifth Avenue in Seattle, Washington, as the ''William Kenzo Nakamura United States Courthouse''; to the Committee on Environment and Public Works.

By Mr. WELLSTONE (for himself, Mr. JOHNSON, Mr. BAYH, and Mr. KENNEDY):

S. 3110. A bill to ensure that victims of domestic violence get the help they need in a single phone call; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 3111. A bill to amend the Internal Revenue Code of 1986 to provide an extension of time for the payment of estate tax to more estates with closely held businesses; to the Committee on Finance.

By Mr. ABRAHAM (for himself, Mr. MACK, and Mr. MURKOWSKI):

S. 3112. A bill to amend title XVIII of the Social Security Act to ensure access to digital mammography through adequate payment under the Medicare system; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. SCHUMER):

S. 3113. A bill to convey certain Federal properties on Governors Island, New York; to the Committee on Energy and Natural Resources.

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

S. 3114. A bill to provide loans for the improvement of telecommunications services on Indian reservations; to the Committee on Indian Affairs.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. ROBB):

S. 3115. A bill to extend the term of the Chesapeake and Ohio Canal National Historic Park Commission; to the Committee on Energy and Natural Resources.

By Mr. BREAUX (for himself, Mr. CRAIG, Mr. CONRAD, Mr. DASCHLE, Ms. LANDRIEU, Mr. AKAKA, Mr. DORGAN, Mr. ENZI, Mr. BURNS, Mr. GRAMS, Mr. THOMAS, Mr. KERREY, Mr. CRAPO, Mr. BAUCUS, Mr. ABRAHAM, Mr. GRAHAM, Mr. INOUYE, Mr. CAMPBELL, and Mr. MACK):

S. 3116. A bill to amend the Harmonized Tariff Schedule of the United States to prevent circumvention of the sugar tariff-rate quotas; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. MCCONNELL:

S. Res. 360. A resolution to authorize the printing of a document entitled ''Washington's Farewell Address''; to the Committee on Rules and Administration.

By Mr. MCCONNELL:

S. Res. 361. A resolution to authorize the printing of a revised edition of the Senate Rules and Manual; to the Committee on Rules and Administration.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN:

S. 3108. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State; to the Committee on Agriculture, Nutrition, and Forestry.

PESTICIDE HARMONIZATION BILL

Mr. DORGAN. Mr. President, during the first few months of the 106th Congress in early 1999, I introduced a pesticide harmonization bill—S. 394. Today, I am introducing a revised version of that legislation. The need for this legislation has not changed.

Last year, I pointed out that when the U.S.-Canada Free Trade Agreement came into effect, part of the understanding on agriculture was that our two nations were going to move rapidly toward the harmonization of pesticide regulations. However, we have entered a new decade—and century, no less—and relatively little progress in harmonization has been accomplished that is meaningful to family farmers.

Since this trade agreement took effect, the pace of Canadian spring and durum wheat, and barley exports to the United States have grown from a barely noticeable trickle into annual floods of imported grain into our markets. Over the years, I have described many factors that have produced this unfair trade relationship and unlevel playing field between farmers of our two nations. The failure to achieve harmonization in pesticides between the United States and Canada compounds this ongoing trade problem.

Our farmers are concerned that agricultural pesticides that are not available in the United States are being utilized by farmers in Canada to produce wheat, barley, and other agricultural commodities that are subsequently imported and consumed in the United States. They rightfully believe that it is unfair to import commodities produced with agricultural pesticides that are not available to U.S. producers. They believe that it is not in the interests of consumers or producers to allow such imports. However, it is not just a difference in availability of agricultural pesticides between our two countries, but also in the pricing of these chemicals.

Just last spring, our farmers were denied the right to bring a pesticide across the border that was cleared for use in our country, but was not available locally because the company who manufactures this product chose not to sell it here. They were selling a more expensive version of the product here. The simple fact is, this company was using our environmental protection

laws as a means to extract a higher price from our farmers even though the cheaper product sold in Canada is just as safe. This simply is not right.

I have pointed out, time and time again, the fact is that there are significant differences in prices being paid for essentially the same pesticide by farmers in our two countries. In fact, in a recent survey, farmers in the United States were paying between 117 percent and 193 percent more than Canadian farmers for a number of pesticides. This was after adjusting for differences in currency exchange rates at that time.

The farmers in my state are simply fed up with what is going on. They see grain flooding across the border, while they are unable to access the more inexpensive production inputs available in our ''free trade'' environment. And I might add, this grain coming into our country has been treated with these products which our farmers are denied access to. This simply must end.

As I stated earlier, today, I am introducing a new version of legislation that would take an important step in providing equitable treatment for U.S. farmers in the pricing of agricultural pesticides. And I want to point out what has taken place since introduction of the original pesticide harmonization bill—or maybe I should say—what has not taken place.

I wrote the chairman of the Agriculture Committee on more than one occasion requesting hearings about the original version of this legislation, but to no avail. I was disappointed, to say the least. Especially, as I stated, since the need for this legislation has not disappeared. On the contrary, it is still a hot issue along our northern border with Canada.

This bill would only deal with agricultural chemicals that are identical or substantially similar. It only deals with pesticides that have already undergone rigorous review processes and whose formulations have been registered and approved for use in both countries by the respective regulatory agencies.

The bill would establish a procedure by which states may apply for and receive an Environmental Protection Agency label for agricultural chemicals sold in Canada that are identical or substantially similar to agricultural chemicals used in the United States. Thus, U.S. producers and suppliers could purchase such chemicals in Canada for use in the United States. The need for this bill is created by pesticide companies which use chemical labeling laws to protect their marketing and pricing structures, rather than protecting the public interest. In their selective labeling of identical or substantially similar products across the border they are able to extract unjustified profits from American farmers, and create unlevel pricing fields between our two countries.

This bill is one legislative step in the process of full harmonization of pesticides between our two nations. It is designed specifically to address the problem of pricing differentials on chemicals that are currently available in both countries. We need to take this step, so that we can begin the process of creating a level playing field between farmers of our two countries. This bill would make harmonization a reality for those pesticides in which their actual selling price is the only real difference.

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By Mrs. MURRAY (for herself, Mr. INOUYE, Mr. KERREY, and Mr. GORTON):

S. 3109. A bill to designate the United States courthouse located at 1010 Fifth Avenue in Seattle, Washington, as the ''William Kenzo Nakamura United States Courthouse''; to the Committee on Environment and Public Works.

THE WILLIAM KENZO NAKAMURA UNITED STATES COURTHOUSE

Mrs. MURRAY. Mr. President, I rise today to introduce a bill that would designate the existing United States Federal Courthouse for the Western District of Washington in Seattle, Washington, as the ''William Kenzo Nakamura United States Courthouse.'' William Nakamura was born in 1922, and grew up in Seattle, Washington. He attended public schools and was a student at the University of Washington when he and 110,000 other Japanese Americans were removed from their communities and forced into internment camps.

For many, the disgrace of the internment camps and the injustice of that American policy fostered resentment and anger. Rather than succumb to hate, William Kenzo Nakamura chose to fight for the very country that had treated him unjustly. He enlisted in the 442d Regimental Combat Team, which went on to become the most decorated military team in U.S. history. While fighting in Italy, Pfc. William Nakamura was killed on July 4, 1944. At the time of his death, he was providing cover for his retreating platoon. Earlier that day, he had also gone beyond the call of duty and single-handedly destroyed a machine-gun nest.

Following his death, Nakamura's commanding officer nominated him for the Medal of Honor. According to Army policy at the time, Japanese Americans could not receive the Medal of Honor. Instead, Pfc. Nakamura was awarded the Distinguished Service Cross, the military's second highest honor. This past June, Pfc. Nakamura and 21 other Asian-American veterans of World War II were finally honored with the Congressional Medal of Honor. Senator INOUYE, who served in the same unit as Mr. Nakamura, was one of those who received the Congressional Medal of Honor that day. I was proud to be present at the White House for the ceremony.

I am pleased that both of the Medal of Honor recipients in Congress are original cosponsors of the bill: Senators INOUYE and KERRY. I am also honored to have my Washington state colleague, Senator GORTON, as an original cosponsor. Congressman MCDERMOTT is sponsoring this legislation in the House, and I thank him for his efforts. Like many Asian-American veterans, Nakamura didn't hesitate when his country called. He and many others went to war and gave their lives for freedoms which they and their families were denied at home.

Mr. President, we can't undo the injustice suffered by Japanese-Americans during World War II, but we can give these noble Americans the recognition they deserve. The William Kenzo Nakamura Courthouse will serve as a permanent reminder that justice must serve all Americans equally. I urge my colleagues to support this piece of legislation.

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By Mr. WELLSTONE (for himself, Mr. JOHNSON, Mr. BAYH, and Mr. KENNEDY):

S. 3110. A bill to ensure that victims of domestic violence get the help they need in a single phone call; to the Committee on Health, Education, Labor, and Pensions.

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THE NATIONAL DOMESTIC VIOLENCE HOTLINE ENHANCEMENT ACT

Mr. WELLSTONE. Mr. President, this is the issue of violence in homes. About every 13 seconds a woman is battered. A home should be a safe place. This is about anywhere from 5 to 10 million children witnessing this violence—not on TV, not in the movies, but in their living rooms, and the effect it has on these children.

Today, I introduce a bill I would like to be able to have on the floor of the Senate for a vote. If I don't get it done over the next week or two, I am positive that there will be broad, bipartisan support for this legislation. This is called the National Domestic Violence Hotline Enhancement Act. I will send the bill to the desk on behalf of myself, Senators JOHNSON, BAYH, and KENNEDY. On the House side, Representative CONNIE MORELLA, who has done such great work in this area, is introducing the same piece of legislation today. I send this bill to the desk.

Darlene Lussier, from Red Lake Band, a Chippewa Indian reservation in Minnesota, called this bill the ''talking circle for all shelters.'' I would like to name it the ''Talking Circle For All Shelters.''

This is modeled after the Day One project in Minnesota. This legislation creates a web site that would allow the National Domestic Violence Hotline operators at shelters all around the country—and there are 2,000 shelters; this is a map of all the shelters in the United States of America. It would enable, through this web site, shelters one telephone call from a woman in need of help to the hotline, or to any shelter, because we would have everybody hooked up electronically under

very safe and secure conditions. It would simply take one call for a woman to be able to know where she and her children could go to get away from this violence, where they could go to make sure that she would not lose her life, or that things would not get more violent at home.

This is extremely important because what happens quite often is a woman will finally get the courage and she knows she must leave. She knows it is a dangerous, desperate situation. But when she calls a shelter, they may be completely filled up and not have anywhere for her to go and then she doesn't know where to go. Then she is forced to stay in that dangerous home. Then she is battered again and her children witness this, and quite often the children are battered as well. Remember, every 13 seconds a woman is battered in her home. A home should be a safe place.

This piece of legislation is critically important. Right now, according to the National Network to End Domestic Violence, only 43 percent of the shelters in the United States have Internet access. We have to do better. In my State of Minnesota, last year 28 women were murdered. This was ''domestic violence.'' This year—and the year is barely half over—already 33 women in Minnesota have been murdered because of domestic violence. Three women were murdered within 8 days in northern Minnesota earlier this month. A woman, again, is battered every 13 seconds, and 3 million to 5 million to 10 million children witness this. Over 70 percent of these children themselves are abused.

I don't want to hear one more story about a woman being murdered by her husband or boyfriend. I don't want to hear one more story about a woman being beaten, or her child fighting in school because he saw the violence in his home. We have to end this. I don't want to hear one more statistic about a quarter of homeless people on any given night are victims of domestic violence—women and children with nowhere to go. This ''Talking Circle For All Shelters'' would enable a woman to get on this national hotline, or call the shelter, and everybody would be linked up through a web site electrically, and she would be able to know right away where she could go to be safe, so that her children would be safe.

This is modeled after Minnesota's Day One web site. This links every shelter in Minnesota. Day One reports that 99 percent of women and children who call, because of this system, are assured services and shelter that meets their unique needs. I want to take this Minnesota model—this Day One web site model—and make sure this becomes available for all women and all children throughout the United States of America.

David Strand, who is chief operating officer of Allina Health System in Minnesota, and who has led the way, along with United Way, in providing the funding for this, talks about how important this is for healing and how important it is to return to healthy communities.

Day One is all about healing. Day One is all about giving women who have been battered and abused and their children a chance to heal. Day One in Minnesota—and I want it to be Day One in the United States of America—is about making sure when she needs to make the call, she can do it and find out where she and her children can go. This is the ''Talking Circle For All Shelters'' in America.

Over the past 5 years, the National Domestic Violence Hotline has received over 500,000 calls from women and children in danger from abuse. If we can take this Day One model in Minnesota, the web site that we have, and we can now make this a national program, we can make sure that these women and these children will get the help they need. We can make sure these women, when they make the call, will know where they can go, as opposed to making a call, and the shelter they call doesn't have any room and they don't know where to go, and then they stay and are battered again and, for all I know, they are murdered.

We can take this new technology and link up all of these shelters electronically. We can make this a part of the national domestic violence hotline, and we can make a real difference.

I want to introduce this today. I am absolutely sure we can pass this legislation. I know we can do this. I know it is the right thing to do. I know there will be strong support from Democrats and Republicans as well.

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By Mr. INOUYE (for himself and Mr. AKAKA):

S. 3111. A bill to amend the Internal Revenue Code of 1986 to provide an extension of time for the payment of estate tax to more estates with closely held businesses; to the Committee on Finance.

TO PROVIDE AN EXTENSION OF TIME FOR THE PAYMENT OF THE ESTATE TAX TO MORE ESTATES WITH CLOSELY HELD BUSINESSES

Mr. INOUYE. Mr. President, the estate tax imposes a true hardship on family-owned businesses. When a person dies, the estate tax must be paid within 9 months. Current law permits only a small number of business owners to pay the estate tax in installments. The tax for most closely held businesses, however, must be paid shortly after the owners' death. Often, business assets and even the business itself must be sold to raise the cash to pay the tax. Closely held businesses, however, cannot be sold for their true value within so short a time. To avoid such fire sales, elderly owners will often sell their businesses while still living to get a fair price.

Congress, as a matter of policy, should encourage the formation of family businesses and also support their continuation. The estate tax measures that the Senate recently voted on do not fully or immediately respond to the problems of closely held, family-owned businesses. Due to revenue constraints, repeal of the estate tax must be slowly phased in. During that phase-in period, whether the tax rate is 45 percent, 35 percent, 25 percent, or 15 percent, many business owners will still need to liquidate their businesses to pay the tax.

The alternative proposal to raise the deduction for qualified family-owned business interests to $2 million fails to answer the basic liquidity problem. These families have all their assets tied up in their businesses. They do not have the cash to pay the estate tax right away. Moreover, the strict eligibility rules and caps restrict the number of family businesses that can qualify for the QFOBI deduction. The 10-year recapture rule, which is also part of the alternative proposal, also hampers the businesses that do qualify.

The bill that I and Senator AKAKA introduce today would make all closely held businesses eligible for temporary deferral and installment payment of the estate tax. My measure simply raises the number of permissible owners for qualifying closely held businesses from 15 to 75, thereby expanding eligibility for the 4-year deferral and 10-year installment payment of the estate tax.

In the subchapter S Act of 1958, the Senate established special income tax rules for closely held businesses. The Senate in the same legislation also decided to collect the estate tax on closely held businesses over an extended payment period. By being allowed to pay the estate tax on the family businesses over 10 annual installments after an initial 4-year deferral, the surviving family members can continue to operate these businesses and use future earnings to pay the estate tax.

In 1996, Congress amended subchapter S to allow a small business corporation to have up to 75 owners; this was intended to encourage closely held businesses to give key workers a share in ownership. But the eligibility rules were not changed for estate tax payment. By sharing ownership with workers as encouraged under the 1996 amendments to subchapter S, the owners of closely held businesses lose their estate tax relief. Although these businesses still qualify under subchapter S, they are often no longer eligible for temporary deferral and extended installment payment of the estate tax.

The Treasury Department suggests that the qualification rules for subchapter S and for estate tax relief should be made consistent once again. During the debate on estate tax relief, Senator ROTH and Senator MOYNIHAN acknowledged this problem and pledged to correct it. Accordingly, I urge my colleagues to support this measure.

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

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

S. 3111

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

**SECTION 1. INCREASE IN NUMBER OF ALLOWABLE PARTNERS AND SHAREHOLDERS IN CLOSELY HELD BUSINESSES.**

(a) IN GENERAL.—Paragraphs (1)(B)(ii), (1)(C)(ii), and (9)(B)(iii)(I) of section 6166(b) of the Internal Revenue Code of 1986 (relating to definitions and special rules) are each amended by striking ''15'' and inserting ''75''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying after the date of the enactment of this Act.

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By Mr. BAUCUS (for himself and Mr. DASCHLE)

S. 3114. A bill to provide loans for the improvement of telecommunications services of Indian reservations; to the Committee on Indian Affairs.

NATIVE AMERICAN TELECOMMUNICATIONS IMPROVEMENT AND VALUE ENHANCEMENT ACT

Mr. BAUCUS. Mr. President, I rise today to introduce the Native American Telecommunications Improvement and Value Enhancement Act, the NATIVE Act. This bill provides a low interest loan program to build telecommunications infrastructure for federally-recognized Indian tribes.

This legislation is timely. This week the Federal Communications Commission is hosting an Indian Telecom Training Initiative in St. Paul Minnesota to provide training to tribes on all phases of providing telecommunications services to their members. Why is this so important?

At a time when 94 percent of Americans enjoy basic telephone service and the benefits derived thereof, only 47 percent of Native Americans on reservations have service. This is even below the rate of the rural homes, 91 percent.

Indian and Alaska Native people live in some of the most geographically remote areas of the country. Most Alaska Native villages are reachable yearround by air only, have limited access by water, and have no road connections. On the mainland, many Indian reservations are located west of the Mississippi, where the wide-open spaces often mean that the nearest town, city, or hospital is several hours away by car.

Those that do not have a telephone do not have access to some of the basic services that we take for granted each and every day.

Some cannot obtain access to medical care in an emergency. Others cannot reach prospective employers quickly and easily. Many cannot take advantage of the commercial, educational, and medical care opportunities the Internet offers.

Let me give you a couple of examples:

Raymond Gachupin, governor of Jemez Pueblo in New Mexico, said he once was unable to call for emergency help for a young man who had been shot because no phone was available.

William Kennard at an FCC Field Hearing in 1999 revealed a case on the Navaho reservation in Arizona, where 1,500 school children have computers, but can't hook up to the Internet because the Information Superhighway seems to have passed them by.

And then there is just the basic inconvenience of not having a readily available means of communication:

The community of Bylas in Arizona, which has approximately 2,000 residents, had only one payphone. People would line up at 6 o'clock in the morning to use the phone. They would stand in line sometimes until 12 o'clock midnight to use the phone. The only other way to talk to people was if you saw them in town and then any news may be days old.

I know these stories are from the Southwestern United States but in my home state of Montana many of the reservations lack phone service, over 60 percent of the homes on the Northern Cheyenne Reservation, 55 percent on the Crow Reservation.

The Federal Communications Commission is stepping up to the plate to help solve this problem by reducing the cost of basic telephone service for individuals on reservations through the Lifeline and Linkup programs. The lifeline program could reduce the monthly cost of phone service to one dollar, all eligible customers would see bills below $10. The Linkup program helps offset the cost of the initiating service by as much as $100.

As stated earlier, this week in St. Paul Minnesota, the FCC is conducting a training seminar for tribal telecommunications.

I commend the FCC for their efforts and want to assist where I can. That is why I am introducing this valuable legislation.

The infrastructure costs for providing telecommunications services can be very high especially in remote areas where customers can be more than one mile apart. This legislation will help to keep those costs down by lowering the cost of borrowing.

The NATIVE Act provides a $1 billion revolving loan fund with a graduated interest rate pegged to the per capita income of the population receiving service. The interest rates range from 2 percent for the poorest tribes up to 5 percent.

The plans submitted for loan approval will be subject to the requirements of current Rural Utilities Service borrowers including service capable of transmitting data at a minimum rate of one Megabit per second. This will ensure the system in place will connect Native Americans to the Internet thereby opening up economic opportunities that wouldn't otherwise exist.

The program is not intended to displace existing telecommunications carriers who are providing service to Native Americans. In fact, the bill is specific in that loan funds can only be used to provide service to unserved and underserved areas, where existing service is deemed inadequate due to either cost or quality.

Additionally the Act establishes a matching grant program for conducting feasibility studies to determine the best alternative for providing service.

The program will be administered by the Rural Utilities Service, an agency with over 50 years experience in lending for rural telecommunications infrastructure throughout the country.

The RUS telecommunications program has provided financing for 866,000 miles of line approximately one-tenth of which is fiber optic, serving 5.5 million customers, including Native Americans. The RUS distance learning/telemedicine program has funded 306 projects for rural schools and medical centers in 44 states since its inception in 1993 bringing improved services for education and health care centers in rural communities. All without incurring any loan losses.

I have the utmost confidence that the Rural Utilities Service will successfully administer this program.

To wrap up, Mr. President, I know that we cannot reach everyone. There are some who simply do not want service in order to preserve their traditional way of living and others who feel owning a telephone is not a priority within the household budget; however, we should strive to try to ensure telecommunications service to those who want and need to have a telephone.

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Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. ROBB):

S. 3115. A bill to extend the term of the Chesapeake and Ohio Canal National Historic Park Commission; to the Committee on Energy and Natural Resources.

TO REAUTHORIZE THE CHESAPEAKE AND OHIO CANAL NATIONAL HISTORIC PARK COMMISSION

Mr. SARBANES. Mr. President, today I am introducing legislation to reauthorize the Chesapeake and Ohio Canal National Historical Park Commission. The current authority for the Commission expires in January of 2001, and this bill would extend that authority for another 10 years. Joining me in introducing this legislation are Senators MIKULSKI, WARNER and ROBB.

Mr. President, the C&O Canal National Historical Park is one of the most unique in this Nation and one of the most heavily visited. It begins in this great city, the Nation's Capital and extends 184 miles to its original terminus in Cumberland, Maryland. As you can imagine, the development of plans for the preservation and use of this park is a major undertaking. It is no easy task to protect and preserve a park which averages 100 yards in width but is 184 miles long.

The work of the Commission is not finished. The Commission is composed of representatives of the State of Maryland, the Commonwealth of Virginia, the State of West Virginia, the District of Columbia, the counties in Maryland through which the park runs, and members at large. The passage of this

bill will permit the Commission to complete the rational process begun so many years ago to ensure that this unique part of America's natural and historical heritage is properly preserved.

I encourage those who are interested in the C&O Canal to join in sponsoring this legislation, and it is my hope that it can be enacted in this Congress.

## ADDITIONAL COSPONSORS

S. 61

At the request of Mr. DEWINE, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 61, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 717

At the request of Ms. MIKULSKI, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 717, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 874

At the request of Mr. INOUYE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 874, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 909

At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 909, a bill to provide for the review and classification of physician assistant positions in the Federal Government, and for other purposes.

S. 1277

At the request of Mr. GRASSLEY, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Arizona (Mr. MCCAIN), the Senator from Michigan (Mr. LEVIN), the Senator from Wisconsin (Mr. KOHL), the Senator from Florida (Mr. GRAHAM), and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 1762

At the request of Mrs. LINCOLN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1762, a bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws.

S. 1796

At the request of Mr. LAUTENBERG, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1796, a bill to modify the enforcement of certain anti-terrorism judgements, and for other purposes.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1957

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1957, a bill to provide for the payment of compensation to the families of the Federal employees who were killed in the crash of a United States Air Force CT–43A aircraft on April 3, 1996, near Dubrovnik, Croatia, carrying Secretary of Commerce Ronald H. Brown and 34 others.

S. 2084

At the request of Mr. LUGAR, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

S. 2250

At the request of Mr. THOMPSON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2250, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain restaurant buildings.

S. 2341

At the request of Mr. GREGG, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 2341, a bill to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of that Act by 2010.

S. 2698

At the request of Mr. MOYNIHAN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2758

At the request of Mr. GRAHAM, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2758, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the medicare program.

S. 2858

At the request of Mr. GRAMS, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 2858, a bill to amend title XVIII of the Social Security Act to ensure adequate payment rates for ambulance services, to apply a prudent layperson standard to the determination of medical necessity for emergency ambulance services, and to recognize the additional costs of providing ambulance services in rural areas.

S. 2912

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2912, a bill to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent residency status.

At the request of Mr. ROBB, his name was added as a cosponsor of S. 2912, supra.

S. 2924

At the request of Ms. COLLINS, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2924, a bill to strengthen the enforcement of Federal statutes relating to false identification, and for other purposes.

S. 2963

At the request of Mr. BRYAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2963, a bill to amend title XIX of the Social Security Act to require the Secretary of Health and Human Services to make publicly available medicaid drug pricing information.

S. 2986

At the request of Mr. HUTCHINSON, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 2986, a bill to limit the issuance of regulations relating to Federal contractor responsibility, to require the Comptroller General to conduct a review of Federal contractor compliance with applicable laws, and for other purposes.

S. 3009

At the request of Mr. HUTCHINSON, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3009, a bill to provide funds to the National Center for Rural Law Enforcement.

S. 3020

At the request of Mr. GRAMS, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of S. 3020, a bill to require the Federal Communications Commission

to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. 3024

At the request of Mr. ROBB, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 3024, a bill to amend title XVIII of the Social Security Act to provide for coverage of glaucoma detection services under part B of the medicare program.

S. 3054

At the request of Mr. LUGAR, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 3054, a bill to amend the Richard B. Russell National School Lunch Act to reauthorize the Secretary of Agriculture to carry out pilot projects to increase the number of children participating in the summer food service program for children.

S. 3071

At the request of Mr. LEAHY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3071, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 3077

At the request of Mr. MOYNIHAN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 3077, a bill to amend the Social Security Act to make corrections and refinements in the Medicare, Medicaid, and SCHIP health insurance programs, as revised by the Balanced Budget Act of 1997 and the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, and for other purposes.

S. 3093

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3093, a bill to require the Federal Energy Regulatory Commission to roll back the wholesale price of electric energy sold in the Western System Coordinating Council, and for other purposes.

S. RES. 278

At the request of Mr. KERREY, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Washington (Mrs. MURRAY), the Senator from Nebraska (Mr. HAGEL), the Senator from North Carolina (Mr. HELMS), the Senator from Nevada (Mr. BRYAN), the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from Virginia (Mr. ROBB), the Senator from Virginia (Mr. WARNER), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Res. 278, a resolution commending Ernest Burgess, M.D. for his service to the Nation and international community.

S. RES. 292

At the request of Mr. CLELAND, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 292, a resolution recognizing the 20th century as the ''Century of Women in the United States.''

S. RES. 343

At the request of Mr. FITZGERALD, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from Virginia (Mr. ROBB), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Res. 343, a resolution expressing the sense of the Senate that the International Red Cross and Red Crescent Movement should recognize and admit to full membership Israel's Magen David Adom Society with its emblem, the Red Shield of David.

S. RES. 359

At the request of Mr. SCHUMER, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. Res. 359, a resolution designating October 16, 2000, to October 20, 2000 as ''National Teach For America Week.''

AMENDMENT NO. 4184

At the request of Mr. ROBB, his name was added as a cosponsor of amendment No. 4184 intended to be proposed to S. 2045, a bill to amend the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens.

At the request of Mrs. BOXER, her name was added as a cosponsor of amendment No. 4184 intended to be proposed to S. 2045, supra.

## SENATE RESOLUTION 360—AUTHORIZING THE PRINTING OF A DOCUMENT ENTITLED ''WASHINGTON'S FAREWELL ADDRESS''

Mr. MCCONNELL submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 360

*Resolved,*

**SECTION 1. AUTHORIZATION.**

The booklet entitled ''Washington's Farewell Address'', prepared by the Senate Historical Office under the direction of the Secretary of the Senate, shall be printed as a Senate document.

**SEC. 2. FORMAT.**

The Senate document described in section 1 shall include illustrations and shall be in the style, form, manner, and printing as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

**SEC. 3. COPIES.**

In addition to the usual number of copies, there shall be printed 600 additional copies of the document specified in section 1 for the use of the Secretary of the Senate.

## SENATE RESOLUTION 361—AUTHORIZING THE PRINTING OF A REVISED EDITION OF THE SENATE RULES AND MANUAL

Mr. MCCONNELL submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 361

*Resolved,* That (a) the Committee on Rules and Administration shall prepare a revised edition of the Senate Rules and Manual for the use of the 106th Congress.

(b) The manual shall be printed as a Senate document.

(c) In addition to the usual number of documents, an 1,400 additional copies of the manual shall be bound of which—

(1) 500 paperbound copies shall be for the use of the Senate; and

(2) 900 copies shall be bound (500 paperbound; 200 nontabbed black skiver; 200 tabbed black skiver) and delivered as may be directed by the Committee on Rules and Administration.

## AMENDMENTS SUBMITTED

### AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

### KENNEDY AMENDMENTS NOS. 4190–4195

(Ordered to lie on the table.)

Mr. KENNEDY submitted six amendments intended to be proposed by him to the bill (S. 2045) amending the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens; as follows:

AMENDMENT NO. 4190

At the appropriate place, add the following:

**RECRUITMENT FROM UNDERREPRESENTED MINORITY GROUPS.**

Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)), as amended by section 202, is further amended by inserting after subparagraph (H) the following:

''(I) The employer certifies that the employer—

''(i) is taking steps to recruit qualified United States workers who are members of underrepresented minority groups, including—

''(I) recruiting at a wide geographical distribution of institutions of higher education, including historically black colleges and universities, other minority institutions, community colleges, and vocational and technical colleges; and

''(II) advertising of jobs to publications reaching underrepresented groups of United States workers, including workers older than 35, minority groups, non-English speakers, and disabled veterans, and

''(ii) will submit to the Secretary of Labor at the end of each fiscal year in which the employer employs an H–1B worker a report that describes the steps so taken.

For purposes of this subparagraph, the term 'minority' includes individuals who are African-American, Hispanic, Asian, and women.''.

AMENDMENT NO. 4191

On page 13, after line 2, insert the following:

(6) Section 286(s)(5) of the Immigration and Nationality Act (8 U.S.C. (s)(5) is amended to read as follows:

(6) USE OF FEES FOR DUTIES RELATING TO PETITIONS.—4 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Attorney General until expended to carry out duties under paragraphs (1) and (9) of section 214(c) related to petitions made for nonimmigrants described in section 101(a)(15)(H)(i)(b), under paragraph (1) (C) or (D) of section 204 related to petitions for immigrants described in section 203(b), and under section 212(n)(5).''

Notwithstanding any other provision of this Act, the figure on page 11, line 2 is

deemed to be ''22 percent''; the figure on page 12, line 25 deemed to be ''4 percent''; and the figure on page 13 line 2 is deemed to be ''2 percent''.

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AMENDMENT NO. 4192

At the appropriate place, insert the following:

**IMPOSITION OF FEES.**

Section 214(c)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)(A)) is amended by striking ''(excluding'' and all that follows through ''2001)'' and inserting ''(excluding any employer that is a primary or secondary education institution, an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), a nonprofit entity related to or affiliated with any such institution, a nonprofit entity which engages in established curriculum-related clinical training of students registered at any such institution, a nonprofit research organization, or a governmental research organization) filing''.

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AMENDMENT NO. 4193

On page 17, line 23, strike the period and insert the following: ''; or involves a labor-management partnership, voluntarily agreed to by labor and management, with the ability to devise and implement a strategy for assessing the employment and training needs of United States workers and obtaining services to meet such needs''.''

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AMENDMENT NO. 4194

On page 9, after line 15, insert the following:

(c) DEPARTMENT OF LABOR SURVEY; REPORT.—

(1) SURVEY.—The Secretary of Labor shall conduct an ongoing survey of the level of compliance by employers with the provisions and requirements of the H–1B visa program. In conducting this survey, the Secretary shall use an independently developed random sample of employers that have petitioned the INS for H–1B visas. The Secretary is authorized to pursue appropriate penalties where appropriate.

(2) REPORT.—Beginning 2 years after the date of enactment of this Act, and biennially thereafter, the Secretary of Labor shall submit a report to Congress containing the findings of the survey conducted during the preceding 2-year period.

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AMENDMENT NO. 4195

On page 3, strike line 4 and all that follows through page 4, line 6, and insert the following:

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as amended by section 2, is further amended by adding at the end the following new paragraphs:

''(5)(A) Of the total number of aliens authorized to be granted nonimmigrant status under section 101(a)(15)(H)(i)(b) in a fiscal year, not less than 12,000 shall be nonimmigrant aliens issued visas or otherwise provided status under section 101(a)(15)(H)(i)(b) who are employed (or have received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity;

''(ii) a nonprofit entity that engages in established curriculum-related clinical training of students registered at any such institution; or

''(iii) a nonprofit research organization or a governmental research organization.

''(B) To the extent the 12,000 visas or grants of status specified in subparagraph (A) are not issued or provided by the end of the third quarter of each fiscal year, the remainder of such visas or grants of status shall be available for aliens described in paragraph (6) as well as aliens described in subparagraph (A).

''(6) Of the total number of aliens authorized to be granted nonimmigrant status under section 101(a)(15)(H)(i)(b), not less than 40 percent for fiscal year 2000, not less than 45 percent for fiscal year 2001, and not less than 50 percent for fiscal year 2002, are authorized for such status only if the aliens have attained at least a master's degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) in the United States or an equivalent degree (as determined in a credential evaluation performed by a private entity prior to filing a petition) from such an institution abroad.''.

Notwithstanding any other provision of this Act, the figure on page 2, line 3 is deemed to be ''200,000''; the figure on page 2, line 4 is deemed to be ''200,000''; and the figure on page 2, line 5 is deemed to be ''200,000''.

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## LANDRIEU AMENDMENTS NOS. 4196–4197

(Ordered to lie on the table.)

Ms. LANDRIEU submitted two amendments intended to be proposed by her to the bill, S. 2045, supra; as follows:

AMENDMENT NO. 4196

At the appropriate place insert the following:

**SEC. ___. ELIGIBILITY FOR NONIMMIGRANT STATUS OF CHILDREN REQUIRING EMERGENCY MEDICAL SURGERY OR OTHER TREATMENT.**

Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

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

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

(3) by adding at the end the following new subparagraph:

''(T)(i) an alien child who requires emergency medical surgery or other treatment by a healthcare provider in the United States, without regard to whether or not the alien can demonstrate an intention of returning to a residence in a foreign country, if—

''(I) payment for the surgery or other treatment will be made by a private individual or organization; and

''(II) surgery or treatment of comparable quality is not available in the country of the alien's last habitual residence; and

''(ii) any alien parent of the child if accompanying or following to join;''.

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AMENDMENT NO. 4197

At the appropriate place, insert the following:

SEC. ___. (a) GROUNDS FOR DEPORTABILITY.—Section 237 of the Immigration and Nationality Act (8 U.S.C. 1227) is amended by adding at the end the following:

''(d) EXCEPTION TO GROUNDS OF REMOVAL.—Subsection (a) shall not apply to an alien who is lawfully admitted to the United States for permanent residence, and who acquired such status under section 201(b)(2)(A)(i) as a child described in section 101(b)(1)(F).''.

(b) GROUNDS FOR INADMISSIBILITY.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by inserting after subsection (b) the following:

''(c) Subsection (a) shall not apply to an alien described in section 237(d) who is seeking to reenter the United States.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of enactment of this Act and shall apply to an alien in removal proceedings, or otherwise subject to removal, under the Immigration and Nationality Act on or after such date.

(d) TERMINATION OF PROCEEDINGS.—In the case of an alien described in section 237(d) of the Immigration and Nationality Act (as added by subsection (a)) who is in deportation proceedings, or otherwise subject to deportation, under such Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)) before the date of enactment of this Act, the Attorney General shall terminate such proceedings and shall refrain from deporting or removing the alien from the United States.

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## LOTT AMENDMENTS NOS. 4198–4203

(Ordered to lie on the table.)

Mr. LOTT submitted six amendments intended to be proposed by him to the bill, S. 2045, supra; as follows:

AMENDMENT NO. 4198

Strike all after the first word and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

**SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.**

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

''(iii) 195,000 in fiscal year 2000; and

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002; and''.

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

**SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.**

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

''(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.''.

**SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.**

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

**SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.**

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

**SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.**

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

**SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.**

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

**SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.**

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

**SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".**

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

**SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.**

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking ''56.3 percent'' and inserting ''55 percent'';

(2) in paragraph (3), by striking ''28.2 percent'' and inserting ''23.5 percent'';

(3) by amending paragraph (4) to read as follows:

''(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

''(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

''(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities

under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).'';

(4) in paragraph (6), by striking ''6 percent'' and inserting ''5 percent''; and

(5) in paragraph (6), by striking ''3 percent'' each place it appears and inserting ''2.5 percent''.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''$2,500 per year.'' and inserting ''$3,125 per year. The Director may renew scholarships for up to 4 years.''.

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

''(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

''(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

''(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

''(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

''(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.

**SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.**

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

''(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

''(1) IN GENERAL.—

''(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

''(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

''(2) GRANTS.—

''(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

''(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

''(I) one workforce investment board;

''(II) one community-based organization or higher education institution or labor union; and

''(III) one business or business-related nonprofit organization such as a trade association; and

''(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

''(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

''(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

''(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

''(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

''(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

''(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

''(3) START-UP FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

''(4) TRAINING OUTCOMES.—

''(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

''(i) hire or effectuate the hiring of unemployed trainees (where applicable);

''(ii) increase the wages or salary of incumbent workers (where applicable); and

''(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

''(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

''(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

''(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

''(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

''(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.''.

**SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.**

(a) SHORT TITLE.—This section may be cited as the ''Kids 2000 Act''.

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

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster

education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

**SEC. 13. SEVERABILITY.**

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted 10 days after effective date.

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AMENDMENT NO. 4199

Strike all after the first word and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

**SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.**

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

''(iii) 195,000 in fiscal year 2000; and

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002; and''.

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

**SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.**

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

''(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.''.

**SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.**

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

**SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.**

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

**SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.**

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

**SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.**

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

**SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.**

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

**SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".**

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

**SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.**

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking ''56.3 percent'' and inserting ''55 percent'';

(2) in paragraph (3), by striking ''28.2 percent'' and inserting ''23.5 percent'';

(3) by amending paragraph (4) to read as follows:

''(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

''(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

''(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).'';

(4) in paragraph (6), by striking ''6 percent'' and inserting ''5 percent''; and

(5) in paragraph (6), by striking ''3 percent'' each place it appears and inserting ''2.5 percent''.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''$2,500 per year.'' and inserting ''$3,125 per year. The Director may renew scholarships for up to 4 years.''.

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

''(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

''(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

''(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

''(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

''(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.

**SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.**

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

''(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

''(1) IN GENERAL.—

''(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

''(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

''(2) GRANTS.—

''(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph

(1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

''(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

''(I) one workforce investment board;

''(II) one community-based organization or higher education institution or labor union; and

''(III) one business or business-related nonprofit organization such as a trade association; and

''(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

''(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

''(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

''(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

''(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

''(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

''(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

''(3) START-UP FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

''(4) TRAINING OUTCOMES.—

''(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

''(i) hire or effectuate the hiring of unemployed trainees (where applicable);

''(ii) increase the wages or salary of incumbent workers (where applicable); and

''(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

''(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

''(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

''(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

''(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

''(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.''.

**SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.**

(a) SHORT TITLE.—This section may be cited as the ''Kids 2000 Act''.

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

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

**SEC. 13. SEVERABILITY.**

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted 9 days after effective date.

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AMENDMENT NO. 4200

Strike all after the first word and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

**SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.**

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

''(iii) 195,000 in fiscal year 2000; and

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002; and''.

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

**SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.**

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

''(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.''.

**SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.**

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

**SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.**

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

**SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.**

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

**SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.**

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

**SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.**

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

**SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".**

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

**SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.**

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking ''56.3 percent'' and inserting ''55 percent'';

(2) in paragraph (3), by striking ''28.2 percent'' and inserting ''23.5 percent'';

(3) by amending paragraph (4) to read as follows:

''(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

''(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

''(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).'';

(4) in paragraph (6), by striking ''6 percent'' and inserting ''5 percent''; and

(5) in paragraph (6), by striking ''3 percent'' each place it appears and inserting ''2.5 percent''.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''$2,500 per year.'' and inserting ''$3,125 per year. The Director may renew scholarships for up to 4 years.''.

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

''(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

''(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

''(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

''(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

''(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.

**SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.**

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

''(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

''(1) IN GENERAL.—

''(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

''(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

''(2) GRANTS.—

''(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

''(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

''(I) one workforce investment board;

''(II) one community-based organization or higher education institution or labor union; and

''(III) one business or business-related nonprofit organization such as a trade association; and

''(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

''(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

''(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

''(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

''(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

''(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

''(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage'

means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

''(3) START-UP FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

''(4) TRAINING OUTCOMES.—

''(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

''(i) hire or effectuate the hiring of unemployed trainees (where applicable);

''(ii) increase the wages or salary of incumbent workers (where applicable); and

''(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

''(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

''(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

''(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

''(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

''(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.''.

**SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.**

(a) SHORT TITLE.—This section may be cited as the ''Kids 2000 Act''.

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

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

**SEC. 13. SEVERABILITY.**

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted 8 days after effective date.

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AMENDMENT NO. 4201

In lieu of the matter proposed, insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

**SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.**

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

''(iii) 195,000 in fiscal year 2000; and

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002; and''.

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as

contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

**SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.**

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

''(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.''.

**SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.**

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

**SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.**

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

**SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.**

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

**SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.**

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

**SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.**

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

**SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".**

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

**SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.**

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking ''56.3 percent'' and inserting ''55 percent'';

(2) in paragraph (3), by striking ''28.2 percent'' and inserting ''23.5 percent'';

(3) by amending paragraph (4) to read as follows:

''(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

''(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

''(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills;

provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).'';

(4) in paragraph (6), by striking ''6 percent'' and inserting ''5 percent''; and

(5) in paragraph (6), by striking ''3 percent'' each place it appears and inserting ''2.5 percent''.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''$2,500 per year.'' and inserting ''$3,125 per year. The Director may renew scholarships for up to 4 years.''.

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

''(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

''(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

''(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

''(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

''(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.

**SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.**

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

''(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

''(1) IN GENERAL.—

''(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

''(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

''(2) GRANTS.—

''(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

''(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

''(I) one workforce investment board;

''(II) one community-based organization or higher education institution or labor union; and

''(III) one business or business-related nonprofit organization such as a trade association; and

''(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

''(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

''(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

''(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

''(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

''(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

''(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

''(3) START-UP FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

''(4) TRAINING OUTCOMES.—

''(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

''(i) hire or effectuate the hiring of unemployed trainees (where applicable);

''(ii) increase the wages or salary of incumbent workers (where applicable); and

''(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

''(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

''(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

''(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

''(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

''(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.''.

**SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.**

(a) SHORT TITLE.—This section may be cited as the ''Kids 2000 Act''.

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

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

**SEC. 13. SEVERABILITY.**

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted five days after effective date.

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AMENDMENT NO. 4202

In lieu of the matter proposed, insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

**SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.**

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

''(iii) 195,000 in fiscal year 2000; and

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002; and''.

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

**SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.**

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

''(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.''.

**SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.**

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that

may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

**SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.**

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

**SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.**

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

**SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.**

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

**SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.**

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

**SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".**

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

**SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.**

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking ''56.3 percent'' and inserting ''55 percent'';

(2) in paragraph (3), by striking ''28.2 percent'' and inserting ''23.5 percent'';

(3) by amending paragraph (4) to read as follows:

''(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

''(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

''(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).'';

(4) in paragraph (6), by striking ''6 percent'' and inserting ''5 percent''; and

(5) in paragraph (6), by striking ''3 percent'' each place it appears and inserting ''2.5 percent''.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''$2,500 per year.'' and inserting ''$3,125 per year. The Director may renew scholarships for up to 4 years.''.

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

''(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

''(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

''(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

''(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

''(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.

**SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.**

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

''(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

''(1) IN GENERAL.—

''(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide

technical skills training for workers, including both employed and unemployed workers.

''(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

''(2) GRANTS.—

''(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

''(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

''(I) one workforce investment board;

''(II) one community-based organization or higher education institution or labor union; and

''(III) one business or business-related nonprofit organization such as a trade association; and

''(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

''(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

''(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

''(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

''(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

''(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

''(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

''(3) START-UP FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

''(4) TRAINING OUTCOMES.—

''(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

''(i) hire or effectuate the hiring of unemployed trainees (where applicable);

''(ii) increase the wages or salary of incumbent workers (where applicable); and

''(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

''(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

''(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

''(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

''(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

''(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.''.

**SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.**

(a) SHORT TITLE.—This section may be cited as the ''Kids 2000 Act''.

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

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such

form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

**SEC. 13. SEVERABILITY.**

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted six days after effective date.

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AMENDMENT NO. 4203

In lieu of the matter proposed, insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

**SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.**

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

''(iii) 195,000 in fiscal year 2000; and

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002; and''.

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

**SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.**

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

''(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.''.

**SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.**

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

**SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.**

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

**SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.**

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act,

or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

**SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.**

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

**SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.**

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

**SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".**

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

**SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.**

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking ''56.3 percent'' and inserting ''55 percent'';

(2) in paragraph (3), by striking ''28.2 percent'' and inserting ''23.5 percent'';

(3) by amending paragraph (4) to read as follows:

''(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

''(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

''(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).'';

(4) in paragraph (6), by striking ''6 percent'' and inserting ''5 percent''; and

(5) in paragraph (6), by striking ''3 percent'' each place it appears and inserting ''2.5 percent''.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''$2,500 per year.'' and inserting ''$3,125 per year. The Director may renew scholarships for up to 4 years.''.

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

''(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

''(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

''(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

''(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

''(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.

**SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.**

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

''(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

''(1) IN GENERAL.—

''(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

''(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

''(2) GRANTS.—

''(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

''(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

''(I) one workforce investment board;

''(II) one community-based organization or higher education institution or labor union; and

''(III) one business or business-related nonprofit organization such as a trade association; and

''(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

''(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

''(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

''(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the

United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

''(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

''(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

''(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

''(3) START-UP FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

''(4) TRAINING OUTCOMES.—

''(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

''(i) hire or effectuate the hiring of unemployed trainees (where applicable);

''(ii) increase the wages or salary of incumbent workers (where applicable); and

''(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

''(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

''(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

''(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

''(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

''(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.''.

**SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.**

(a) SHORT TITLE.—This section may be cited as the ''Kids 2000 Act''.

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

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

**SEC. 13. SEVERABILITY.**

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted seven days after effective date.

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## HATCH AMENDMENTS NOS. 4204–4205

(Ordered to lie on the table.)

Mr. HATCH submitted two amendments intended to be proposed by him to the bill S. 2405, supra; as follows:

AMENDMENT NO. 4204

On page 1 of the amendment, line 10, strike ''(vi)'' and insert ''(vii)''.

On page 2 of the amendment, strike lines 1 through 5 and insert the following:

(2) by striking clause (iv) and inserting the following:

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002;

''(vi) 195,000 in fiscal year 2003; and''.

On page 2 of the amendment, line 6, strike ''FISCAL YEAR 1999.—'' and insert ''FISCAL YEARS 1999 AND 2000.—''.

On page 2 of the amendment, line 7, strike ''Notwithstanding'' and insert ''(A) Notwithstanding''.

On page 2 of the amendment, between lines 17 and 18, insert the following:

(B) In the case of any alien on behalf of whom a petition for status under section 101(a)(15)(H)(I)(b) is filed before September 1, 2000, and is subsequently approved, that alien shall be counted toward the numerical ceiling for fiscal year 2000 notwithstanding the date of the approval of the petition. Notwithstanding section 214(g)(1)(A)(iii) of the Immigration and Nationality Act, the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 2000 is increased by a number equal to the number of aliens who may be issued visas or otherwise provided nonimmigrant status who filed a petition during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(iii) is reached and ending on August 31, 2000.

On page 6 of the amendment, strike lines 16 through 18 and insert the following:

(2) is eligible to be granted that status but for application of the per country limitations applicable to immigrants under those paragraphs,

On page 7 of the amendment, strike lines 22 through 24 and insert the following:

''(C) who, subsequent to such lawful admission, has not been employed without authorization in the United States before the filing of such petition.''.

On page 9 of the amendment, between lines 3 and 4, insert the following:

(c) INCREASED JOB FLEXIBILITY FOR LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS.—

(1) Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

''(j) JOB FLEXIBILITY FOR LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS TO PERMANENT RESIDENCE.—A petition under subsection (a)(1)(D) for an individual whose application for adjustment of status pursuant to section 245 has been filed and remained unadjudicated for 180 days or more shall remain valid with respect to a new job if the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the petition was filed.''.

(2) Section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A)) is amended by adding at the end the following new clause:

''(iv) LONG DELAYED ADJUSTMENT APPLICANTS.—A certification made under clause (i) with respect to an individual whose petition is covered by section 204(j) shall remain valid with respect to a new job accepted by the individual after the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the certification was issued.''.

(d) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the number of employment-based visas (as defined in paragraph (3)) made available for a fiscal year (beginning with fiscal year 2001) shall be increased by the number described in paragraph (2). Visas made available under this subsection shall only be available in a fiscal year to employment-based immigrants under paragraph (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act.

(2) NUMBER AVAILABLE.—

(A) IN GENERAL.—Subject to subparagraph (B), the number described in this paragraph is the difference between the number of employment-based visas that were made available in fiscal year 1999 and 2000 and the number of such visas that were actually used in such fiscal years.

(B) REDUCTION.—The number described in subparagraph (A) shall be reduced, for each fiscal year after fiscal year 2001, by the cumulative number of immigrant visas made available under paragraph (1) for previous fiscal years.

(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the application of section 201(c)(3)(C) of the Immigration and Nationality Act (8 U.S.C. 1151(c)(3)(C)).

(3) EMPLOYMENT-BASED VISAS DEFINED.—For purposes of this subsection, the term ''employment-based visa'' means an immigrant visa which is issued pursuant to the numerical limitation under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)).

On page 12 of the amendment, line 3, strike ''used'' and insert ''use''.

On page 12 of the amendment, line 21, strike ''this'' and insert ''the''.

On page 15 of the amendment, beginning on line 18, strike ''All training'' and all that follows through ''demonstrated'' on line 20 and insert the following: ''The need for the training shall be justified''.

On page 18 of the amendment, line 10, strike ''that are in shortage''.

On page 18 of the amendment, line 23 and 24, strike ''H–1B skill shortage.'' and insert ''single specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.''.

On page 19 of the amendment, strike lines 1 through 6.

On page 20 of the amendment, line 23, strike ''and''.

On page 21 of the amendment, line 2, strike the period and insert ''; and''.

On page 21 of the amendment, between lines 2 and 3, insert the following:

''(iii) in the case of an application for a grant under subsection (c)(2)(A)(ii), explain what barriers prevent the strategy from being implemented through a grant made under subsection (c)(2)(A)(i).''.

On page 21 of the amendment, after line 25, insert the following new section:

**SEC. 12. IMPOSITION OF FEES.**

Section 214(c)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)(A)) is amended by striking ''(excluding'' and all that follows through ''2001)'' and inserting ''(excluding any employer that is a primary or secondary education institution, an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), a nonprofit entity related to or affiliated with any such institution, a nonprofit entity which engages in established curriculum-related clinical training of students registered at any such institution, a nonprofit research organization, or a governmental research organization) filing''.

On page 22 of the amendment, line 1, strike ''**SEC. 12.**''. and insert ''**SEC. 13.**''.

On page 27 of the amendment, line 1, strike ''**SEC. 13.**''. and insert ''**SEC. 14.**''.

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AMENDMENT NO. 4205

In lieu of the matter proposed insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

**SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.**

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

''(iii) 195,000 in fiscal year 2000; and

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002; and''.

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

**SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.**

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

''(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.''.

**SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.**

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C.

1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

**SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.**

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

**SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.**

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

**SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.**

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

**SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.**

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

**SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".**

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

**SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.**

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking ''56.3 percent'' and inserting ''55 percent'';

(2) in paragraph (3), by striking ''28.2 percent'' and inserting ''23.5 percent'';

(3) by amending paragraph (4) to read as follows:

''(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

''(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

''(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the uses of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of the National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).'';

(4) in paragraph (6), by striking ''6 percent'' and inserting ''5 percent''; and

(5) in paragraph (6), by striking ''3 percent'' each place it appears and inserting ''2.5 percent''.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''$2,500 per year.'' and inserting ''$3,125 per year. The Director may renew scholarships for up to 4 years.''.

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

''(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

''(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

''(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate regarding—

g—
performance of programs receiving H–1B grant funding; and

''(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.

**SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.**

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

''(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

''(1) IN GENERAL.—

''(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

''(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

''(2) GRANTS.—

''(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

''(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

''(I) one workforce investment board;

''(II) one community-based organization or higher education institution or labor union; and

''(III) one business or business-related nonprofit organization such as a trade association; and

''(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

''(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

''(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

''(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

''(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

''(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

''(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

''(3) START-UP FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

''(4) TRAINING OUTCOMES.—

''(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

''(i) hire or effectuate the hiring of unemployed trainees (where applicable);

''(ii) increase the wages or salary of incumbent workers (where applicable); and

''(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

''(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

''(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

''(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

''(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

''(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.''.

**SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.**

(a) SHORT TITLE.—This section may be cited as the ''Kids 2000 Act''.

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

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

**SEC. 13. SEVERABILITY.**

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby.

## KERRY AMENDMENTS NOS. 4206–4207

Ordered to lie on the table.)

Mr. KERRY submitted two amendments intended to be proposed by him to the bill, S. 2045, supra; as follows:

AMENDMENT NO. 4206

On page 17, strike lines 3 through 12 and insert the following:

**SEC. 9. STUDY AND REPORT ON THE "DIGITAL DIVIDE".**

(a) STUDY.—The Secretary of Commerce shall conduct a review of existing public and private high-tech workforce training programs in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Commerce shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

AMENDMENT NO. 4207

At the appropriate place, insert the following:

**SEC. 9. STUDY AND REPORT ON THE "DIGITAL DIVIDE".**

(a) STUDY.—The Secretary of Commerce shall conduct a review of existing public and private high-tech workforce training programs in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Commerce shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

## HUTCHISON AMENDMENT NO. 4208

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 2045, supra; as follows:

At the appropriate place, insert:

**SECTION 1. SHORT TITLE.**

This title may be cited as the ''International Patient Act of 2000''.

**SEC. 2. THREE-YEAR PILOT PROGRAM TO EXTEND VOLUNTARY DEPARTURE PERIOD FOR CERTAIN NONIMMIGRANT ALIENS REQUIRING MEDICAL TREATMENT WHO WERE ADMITTED UNDER VISA WAIVER PILOT PROGRAM.**

Section 240B(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1229c(a)(2)) is amended to read as follows:

(2) PERIOD.—

(A) IN GENERAL.—Subject to subparagraph (B), permission to depart voluntarily under this subsection shall not be valid for a period exceeding 120 days.

(B) 3–YEAR PILOT PROGRAM WAIVER.—During the period October 1, 2000, through September 30, 2003, and subject to subparagraphs (C) and (D)(ii), the Attorney General may, in the discretion of the Attorney General for humanitarian purposes, waive application of subparagraph (A) in the case of an alien—

(i) who was admitted to the United States as a nonimmigrant visitor (described in section 101(a)(15)(B) under the provisions of the visa waiver pilot program established pursuant to section 217, seeks the waiver for the purpose of continuing to receive medical treatment in the United States from a physician associated with a health care facility, and submits to the Attorney General—

(I) a detailed diagnosis statement from the physician, which includes the treatment being sought and the expected time period the alien will be required to remain in the United States;

(II) a statement from the health care facility containing an assurance that the alien's treatment is not being paid through any Federal or State public health assistance, that the alien's account has no outstanding balance, and that such facility will notify the Service when the alien is released or treatment is terminated; and

(III) evidence of financial ability to support the alien's day-to-day expenses while in the United States (including the expenses of any family member described in clause (ii)) and evidence that any such alien or family member is not receiving any form of public assistance; or

(ii) who—

(I) is a spouse, parent, brother, sister, son, daughter, or other family member of a principal alien described in clause (i); and

(II) entered the United States accompanying, and with the same status as, such principal alien.

(C) WAIVER LIMITATIONS.—

(i) Waivers under subparagraph (B) may be granted only upon a request submitted by a Service district office to Service headquarters.

(ii) Not more than 300 waivers may be granted for any fiscal year for a principal alien under subparagraph (B)(i).

(iii)(I) Except as provided in subclause (II), in the case of each principal alien described in subparagraph (B)(i) not more than one adult may be granted a waiver under subparagraph (B)(ii).

(II) Not more than two adults may be granted a waiver under subparagraph (B)(ii) in a case in which—

(aa) the principal alien described in subparagraph (B)(i) is a dependent under the age of 18; or

(bb) one such adult is age 55 or older or is physically handicapped.

(D) REPORT TO CONGRESS; SUSPENSION OF WAIVER AUTHORITY.—

(i) Not later than March 30 of each year, the Commissioner shall submit to the Congress an annual report regarding all waivers granted under subparagraph (B) during the preceding fiscal year.

(ii) Notwithstanding any other provision of law, the authority of the Attorney General under subparagraph (B) shall be suspended during any period in which an annual report under clause (i) is past due and has not been submitted.

## STRENGTHENING ABUSE AND NEGLECT COURTS ACT OF 2000

## DEWINE AMENDMENT NO. 4209

Mr. GORTON (for Mr. DEWINE) proposed an amendment to the bill (S. 2272) to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997; as follows:

On page 23, line 4, strike ''fiscal year 2001'' and insert ''the period of fiscal years 2001 and 2002''.

On page 24, line 13, strike ''fiscal year 2001'' and insert ''the period of fiscal years 2001 and 2002''.

## HEALTH CARE PROVIDER BILL OF RIGHTS

## ABRAHAM (AND MURKOWSKI) AMENDMENT NO. 4210

(Ordered referred to the Committee on Finance.)

Mr. ABRAHAM (for himself and Mr. MURKOWSKI) submitted an amendment intended to be proposed by them to the bill (S. 2999) to amend title XVIII of the Social Security Act to reform the regulatory processes used by the Health Care Financing Administration to administer the Medicare Program, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

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

(a) SHORT TITLE.—This Act may be cited as the ''Health Care Providers Bill of Rights Act of 2000''.

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



**SEC. 2. FINDINGS.**

Congress finds the following:

(1) Physicians, providers of services, and suppliers of medical equipment and supplies that participate in the medicare program under title XVIII of the Social Security Act must contend with over 100,000 pages of complex medicare regulations, most of which are unknowable to the average health care provider.

(2) Many physicians are choosing to discontinue participation in the medicare program to avoid becoming the target of an overzealous Government investigation regarding compliance with the extensive regulations governing the submission and payment of medicare claims.

(3) Health Care Financing Administration contractors send post-payment review letters to physicians that require the physician to submit to additional substantial Government interference with the practice of the physician in order to preserve the physician's right to due process.

(4) When a Health Care Financing Administration contractor sends a post-payment review letter to a physician, that contractor often has no telephone or face-to-face communication with the physician, provider of services, or supplier.

(5) The Health Care Financing Administration targets billing errors as though health care providers have committed fraudulent acts, but has not adequately educated physicians, providers of services, and suppliers regarding medicare billing requirements.

(6) The Office of the Inspector General of the Department of Health and Human Services found that 75 percent of surveyed physicians had never received any educational materials from a Health Care Financing Administration contractor concerning the equipment and supply ordering process.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) APPLICABLE AUTHORITY.—The term ''applicable authority'' has the meaning given such term in section 1861(uu)(1) of the Social Security Act (as added by section 202).

(2) CARRIER.—The term ''carrier'' means a carrier (as defined in section 1842(f) of the Social Security Act (42 U.S.C. 1395u(f))) with a contract under title XVIII of such Act to administer benefits under part B of such title.

(3) EXTRAPOLATION.—The term ''extrapolation'' has the meaning given such term in section 1861(uu)(2) of the Social Security Act (as added by section 202).

(4) FISCAL INTERMEDIARY.—The term ''fiscal intermediary'' means a fiscal intermediary (as defined in section 1816(a) of the Social Security Act (42 U.S.C. 1395h(a))) with an agreement under section 1816 of such Act to administer benefits under part A or B of such title.

(5) HEALTH CARE PROVIDER.—The term ''health care provider'' has the meaning given the term ''eligible provider'' in section 1897(a)(2) of the Social Security Act (as added by section 301).

(6) MEDICARE PROGRAM.—The term ''medicare program'' means the health benefits program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(7) PREPAYMENT REVIEW.—The term ''prepayment review'' has the meaning given such term in section 1861(uu)(3) of the Social Security Act (as added by section 202).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

## TITLE I—REGULATORY REFORM

**SEC. 101. PROSPECTIVE APPLICATION OF CERTAIN REGULATIONS.**

Section 1871(a) of the Social Security Act (42 U.S.C. 1395hh(a)) is amended by adding at the end the following new paragraph:

''(3) Any regulation described under paragraph (2) may not take effect earlier than the date on which such regulation becomes a final regulation. Any regulation described under such paragraph that applies to an agency action, including any agency determination, shall only apply as that regulation is in effect at the time that agency action is taken.''.

**SEC. 102. REQUIREMENTS FOR JUDICIAL AND REGULATORY CHALLENGES OF REGULATIONS.**

(a) RIGHT TO CHALLENGE CONSTITUTIONALITY AND STATUTORY AUTHORITY OF HCFA REGULATIONS.—Section 1872 of the Social Security Act (42 U.S.C. 1395ii) is amended to read as follows:

''APPLICATION OF CERTAIN PROVISIONS OF TITLE II

''SEC. 1872. The provisions of sections 206 and 216(j), and of subsections (a), (d), (e), (h), (i), (j), (k), and (l) of section 205, shall also apply with respect to this title to the same extent as they are applicable with respect to title II, except that—

''(1) in applying such provisions with respect to this title, any reference therein to the Commissioner of Social Security or the Social Security Administration shall be considered a reference to the Secretary or the Department of Health and Human Services, respectively; and

''(2) section 205(h) shall not apply with respect to any action brought against the Secretary under section 1331 or 1346 of title 28, United States Code, regardless of whether such action is unrelated to a specific determination of the Secretary, that challenges—

''(A) the constitutionality of substantive or interpretive rules of general applicability issued by the Secretary;

''(B) the Secretary's statutory authority to promulgate such substantive or interpretive rules of general applicability; or

''(C) a finding of good cause under subparagraph (B) of the sentence following section 553(b)(3) of title 5, United States Code, if used in the promulgation of substantive or interpretive rules of general applicability issued by the Secretary.''.

(b) ADMINISTRATIVE AND JUDICIAL REVIEW OF SECRETARY DETERMINATIONS.—Section 1866(h) of the Act (42 U.S.C. 1395cc(h)) is amended—

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

''(1) Except as provided in paragraph (3), an institution or agency dissatisfied with a determination by the Secretary that it is not a provider of services or with a determination described in subsection (b)(2) (regardless of whether such determination has been made by the Secretary or by a State pursuant to an agreement entered into with the Secretary under section 1864 and regardless of whether the Secretary has imposed or may impose a remedy, penalty, or other sanction on the institution or agency in connection with such determination) shall be entitled to a hearing thereon by the Secretary (after reasonable notice) to the same extent as is provided in section 205(b), and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g), except that in so applying such sections and in applying section 205(l) thereto, any reference therein to the Commissioner of Social Security or the Social Security Administration shall be considered a reference to the Secretary or the Department of Health and Human Services, respectively, and such hearings are subject to the deadlines in paragraph (2) hereof.'';

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

''(2)(A)(i) Except as provided in clause (ii), an administrative law judge shall conduct and conclude a hearing on a determination described in subsection (b)(2) and render a decision on such hearing by not later than the end of the 90-day period beginning on the date a request for hearing has been timely filed.

''(ii) The 90-day period under subclause (I) shall not apply in the case of a motion or stipulation by the party requesting the hearing to waive such period.

''(B) The Department Appeals Board of the Department of Health and Human Services shall conduct and conclude a review of the decision on a hearing described in subparagraph (A) and make a decision or remand the case to the administrative law judge for reconsideration by not later than the end of the 90-day period beginning on the date a request for review has been timely filed.

''(C) In the case of a failure by an administrative law judge to render a decision by the end of the period described in clause (i), the party requesting the hearing may request a review by the Departmental Appeals Board

of the Departmental of Health and Human Services, notwithstanding any requirements for a hearing for purposes of the party's right to such a review.

''(D) In the case of a request described in clause (iii), the Departmental Appeals Board shall review the case de novo. In the case of the failure of the Departmental Appeals Board to render a decision on such hearing by not later than the end of the 60-day period beginning on the date a request for such a Department Appeals Board hearing has been filed, the party requesting the hearing may seek judicial review of the Secretary's decision, notwithstanding any requirements for a hearing for purposes of the party's right to such review.

''(E) In the case of a request described in clause (iv), the court shall review the case de novo.''.

**SEC. 103. PROHIBITION OF RECOVERING PAST OVERPAYMENTS BY CERTAIN MEANS.**

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding sections 1815(a), 1842(b), and 1861(v)(1)(A)(ii) of the Social Security Act (42 U.S.C. 1395g(a), 1395u(a), and 1395x(v)(1)(A)(ii)), or any other provision of law, for purposes of applying sections 1842(b)(3)(B)(ii), 1866(a)(1)(B)(ii), 1870, and 1893 of such Act (42 U.S.C. 1395u(b)(3)(B)(ii), 1395cc(a)(1)(B)(ii), 1395gg, and 1395ddd), the Secretary may not offset any future payment to a health care provider to recoup a previously made overpayment, but instead shall establish a repayment plan to recoup such an overpayment.

(b) EXCEPTION.—This section shall not apply to cases in which the Secretary finds evidence of fraud or similar fault on the part of such provider.

**SEC. 104. PROHIBITION OF RECOVERING PAST OVERPAYMENTS IF APPEAL PENDING.**

(a) IN GENERAL.—Notwithstanding any provision of law, for purposes of applying sections 1842(b)(3)(B)(ii), 1866(a)(1)(B)(ii), 1870, and 1893 of the Social Security Act (42 U.S.C. 1395u(b)(3)(B)(ii), 1395cc(a)(1)(B)(ii), 1395gg, and 1395ddd), the Secretary may not take any action (or authorize any other person, including any fiscal intermediary, carrier, and contractor under section 1893 of such Act (42 U.S.C. 1395ddd)) to recoup an overpayment during the period in which a health care provider is appealing a determination that such an overpayment has been made or the amount of the overpayment.

(b) EXCEPTION.—This section shall not apply to cases in which the Secretary finds evidence of fraud or similar fault on the part of such provider.

## TITLE II—APPEALS PROCESS REFORMS

**SEC. 201. REFORM OF POST-PAYMENT AUDIT PROCESS.**

(a) COMMUNICATIONS TO PHYSICIANS.—Section 1842 of the Social Security Act (42 U.S.C. 1395u) is amended by adding at the end the following new subsection:

''(u)(1)(A) Except as provided in paragraph (2), in carrying out its contract under subsection (b)(3), with respect to physicians' services, the carrier shall provide for the recoupment of overpayments in the manner described in the succeeding subparagraphs if—

''(i) the carrier or a contractor under section 1893 has not requested any relevant record or file; and

''(ii) the case has not been referred to the Department of Justice or the Office of Inspector General.

''(B)(i) During the 1-year period beginning on the date on which a physician receives an overpayment, the physician may return the overpayment to the carrier making such overpayment without any penalty.

''(ii) If a physician returns an overpayment under clause (i), neither the carrier nor the contractor under section 1893 may begin an investigation or target such physician based on any claim associated with the amount the physician has repaid.

''(C) The carrier or a contractor under section 1893 may not recoup or offset payment amounts based on extrapolation (as defined in section 1861(uu)(2)) if the physician has not been the subject of a post-payment audit.

''(D) As part of any written consent settlement communication, the carrier or a contractor under section 1893 shall clearly state that the physician may submit additional information (including evidence other than medical records) to dispute the overpayment amount without waiving any administrative remedy or right to appeal the amount of the overpayment.

''(E) As part of the administrative appeals process for any amount in controversy, a physician may directly appeal any adverse determination of the carrier or a contractor under section 1893 to an administrative law judge.

''(F)(i) Each consent settlement communication from the carrier or a contractor under section 1893 shall clearly state that prepayment review (as defined in section 1861(uu)(3)) may be imposed where the physician submits an actual or projected repayment to the carrier or a contractor under section 1893. Any prepayment review shall cease if the physician demonstrates to the carrier that the physician has properly submitted clean claims (as defined in section 1816(c)(2)(B)(i)).

''(ii) Prepayment review may not be applied as a result of an action under section 201(a), 301(b), or 302.

''(2) If a carrier or a contractor under section 1893 identifies (before or during post-payment review activities) that a physician has submitted a claim with a coding, documentation, or billing inconsistency, before sending any written communication to such physician, the carrier or a contractor under section 1893 shall contact the physician by telephone or in person at the physician's place of business during regular business hours and shall—

''(i) identify the billing anomaly;

''(ii) inform the physician of how to address the anomaly; and

''(iii) describe the type of coding or documentation that is required for the claim.''.

(b) COMMUNICATIONS TO PROVIDERS OF SERVICES.—Section 1816 of the Social Security Act (42 U.S.C. 1395h) is amended by adding at the end the following new subsection:

''(m)(1)(A) Except as provided in paragraph (2), in carrying out its agreement under this section, with respect to payment for items and services furnished under this part, the fiscal intermediary shall provide for the recoupment of overpayments in the manner described in the succeeding subparagraphs if—

''(i) the fiscal intermediary or a contractor under section 1893 has not requested any relevant record or file; and

''(ii) the case has not been referred to the Department of Justice or the Office of Inspector General.

''(B)(i) During the 1-year period beginning on the date on which a provider of services receives an overpayment, the provider of services may return the overpayment to the fiscal intermediary making such overpayment without any penalty.

''(ii) If a provider of services returns an overpayment under clause (i), neither the fiscal intermediary, contractor under section 1893, nor any law enforcement agency may begin an investigation or target such provider of services based on any claim associated with the amount the provider of services has repaid.

''(C) The fiscal intermediary or a contractor under section 1893 may not recoup or offset payment amounts based on extrapolation (as defined in section 1861(uu)(2)) if the provider of services has not been the subject of a post-payment audit.

''(D) As part of any written consent settlement communication, the fiscal intermediary or a contractor under section 1893 shall clearly state that the provider of services may submit additional information (including evidence other than medical records) to dispute the overpayment amount without waiving any administrative remedy or right to appeal the amount of the overpayment.

''(E) As part of the administrative appeals process for any amount in controversy, a provider of services may directly appeal any adverse determination of the fiscal intermediary or a contractor under section 1893 to an administrative law judge.

''(F)(i) Each consent settlement communication from the fiscal intermediary or a contractor under section 1893 shall clearly state that prepayment review (as defined in section 1861(uu)(3)) may be imposed where the provider of services submits an actual or projected repayment to the fiscal intermediary or a contractor under section 1893. Any prepayment review shall cease if the provider of services demonstrates to the fiscal intermediary that the provider of services has properly submitted clean claims (as defined in subsection (c)(2)(B)(i)).

''(ii) Prepayment review may not be applied as a result of an action under section 201(a), 301(b), or 302.

''(2) If a fiscal intermediary or a contractor under section 1893 identifies (before or during post-payment review activities) that a provider of services has submitted a claim with a coding, documentation, or billing inconsistency, before sending any written communication to such provider of services, the fiscal intermediary or a contractor under section 1893 shall contact the provider of services by telephone or in person at place of business of such provider of services during regular business hours and shall—

''(i) identify the billing anomaly;

''(ii) inform the provider of services of how to address the anomaly; and

''(iii) describe the type of coding or documentation that is required for the claim.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 60 days after the date of enactment of this Act.

**SEC. 202. DEFINITIONS RELATING TO PROTECTIONS FOR PHYSICIANS, SUPPLIERS, AND PROVIDERS OF SERVICES.**

(a) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new subsection:

''Definitions Relating to Protections for Physicians, Suppliers, and Providers of Services

''(uu) For purposes of provisions of this title relating to protections for physicians, suppliers of medical equipment and supplies, and providers of services:

''(1) APPLICABLE AUTHORITY.—The term 'applicable authority' means the carrier, contractor under section 1893, or fiscal intermediary that is responsible for making any determination regarding a payment for any item or service under the medicare program under this title.

''(2) EXTRAPOLATION.—The term 'extrapolation' means the application of an overpayment dollar amount to a larger grouping of physician claims than those in the audited sample to calculate a projected overpayment figure.

''(3) PREPAYMENT REVIEW.—The term 'prepayment review' means the carriers' and fiscal intermediaries' practice of withholding

claim reimbursements from eligible providers even if the claims have been properly submitted and reflect medical services provided.''.

**SEC. 203. RIGHT TO APPEAL ON BEHALF OF DECEASED BENEFICIARIES.**

Notwithstanding section 1870 of the Social Security Act (42 U.S.C. 1395gg) or any other provision of law, the Secretary shall permit any health care provider to appeal any determination of the Secretary under the medicare program on behalf of a deceased beneficiary where no substitute party is available.

## TITLE III—EDUCATION COMPONENTS

**SEC. 301. DESIGNATED FUNDING LEVELS FOR PROVIDER EDUCATION.**

(a) EDUCATION PROGRAMS FOR PHYSICIANS, PROVIDERS OF SERVICES, AND SUPPLIERS.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

''EDUCATION PROGRAMS FOR PHYSICIANS, PROVIDERS OF SERVICES, AND SUPPLIERS

''SEC. 1897. (a) DEFINITIONS.—In this section:

''(1) EDUCATION PROGRAMS.—The term 'education programs' means programs undertaken in conjunction with Federal, State, and local medical societies, specialty societies, other providers, and the Federal, State, and local associations of such providers that—

''(A) focus on current billing, coding, cost reporting, and documentation laws, regulations, fiscal intermediary and carrier manual instructions;

''(B) place special emphasis on billing, coding, cost reporting, and documentation errors that the Secretary has found occur with the highest frequency; and

''(C) emphasize remedies for these improper billing, coding, cost reporting, and documentation practices.

''(2) ELIGIBLE PROVIDERS.—The term 'eligible provider' means a physician (as defined in section 1861(r)), a provider of services (as defined in section 1861(u)), or a supplier of medical equipment and supplies (as defined in section 1834(j)(5)).

''(b) CONDUCT OF EDUCATION PROGRAMS.—

''(1) IN GENERAL.—Carriers and fiscal intermediaries shall conduct education programs for any eligible provider that submits a claim under paragraph (2)(A).

''(2) ELIGIBLE PROVIDER EDUCATION.—

''(A) SUBMISSION OF CLAIMS AND RECORDS.—Any eligible provider may voluntarily submit any present or prior claim or medical record to the applicable authority (as defined in section 1861(uu)(1)) to determine whether the billing, coding, and documentation associated with the claim is appropriate.

''(B) PROHIBITION OF EXTRAPOLATION.—No claim submitted under subparagraph (A) is subject to any type of extrapolation (as defined in section 1861(uu)(2)).

''(C) SAFE HARBOR.—No submission of a claim or record under this section shall result in the carrier or a contractor under section 1893 beginning an investigation or targeting an individual or entity based on any claim or record submitted under such subparagraph.

''(3) TREATMENT OF IMPROPER CLAIMS.—If the carrier or fiscal intermediary finds a claim to be improper, the eligible provider shall have the following options:

''(A) CORRECTION OF PROBLEMS.—To correct the documentation, coding, or billing problem to appropriately substantiate the claim and either—

''(i) remit the actual overpayment; or

''(ii) receive the appropriate additional payment from the carrier or fiscal intermediary.

''(B) REPAYMENT.—To repay the actual overpayment amount if the service was not covered under the medicare program under this title or if adequate documentation does not exist.

''(4) PROHIBITION OF ELIGIBLE PROVIDER TRACKING.—The applicable authorities may not use the record of attendance of any eligible provider at an education program conducted under this section or the inquiry regarding claims under paragraph (2)(A) to select, identify, or track such eligible provider for the purpose of conducting any type of audit or prepayment review.''.

(b) FUNDING OF EDUCATION PROGRAMS.—

(1) MEDICARE INTEGRITY PROGRAM.—Section 1893(b)(4) of the Social Security Act (42 U.S.C. 1395ddd(b)(4)) is amended by adding at the end the following new sentence: ''No less than 10 percent of the program funds shall be devoted to the education programs for eligible providers under section 1897.''.

(2) CARRIERS.—Section 1842(b)(3)(H) of the Social Security Act (42 U.S.C. 1395u(b)(3)(H)) is amended by adding at the end the following new clause:

''(iii) No less than 2 percent of carrier funds shall be devoted to the education programs for eligible providers under section 1897.''.

(3) FISCAL INTERMEDIARIES.—Section 1816(b)(1) of the Social Security Act (42 U.S.C. 1395h(b)(1)) is amended—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking ''; and'' and inserting a comma; and

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

''(C) that such agency or organization is using no less than 1 percent of its funding for education programs for eligible providers under section 1897.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 60 days after the date of enactment of this Act.

**SEC. 302. ADVISORY OPINIONS.**

(a) STRAIGHT ANSWERS.—

(1) IN GENERAL.—Fiscal intermediaries and carriers shall do their utmost to provide health care providers with one, straight and correct answer regarding billing and cost reporting questions under the medicare program, and will, when requested, give their true first and last names to providers.

(2) WRITTEN REQUESTS.—

(A) IN GENERAL.—The Secretary shall establish a process under which a health care provider may request, in writing from a fiscal intermediary or carrier, assistance in addressing questionable coverage, billing, documentation, coding and cost reporting procedures under the medicare program and then the fiscal intermediary or carrier shall respond in writing within 30 business days with the correct billing or procedural answer.

(B) USE OF WRITTEN STATEMENT.—

(i) IN GENERAL.—Subject to clause (ii), a written statement under paragraph (1) may be used as proof against a future payment audit or overpayment determination under the medicare program.

(ii) EXTRAPOLATION PROHIBITION.—Subject to clause (iii), no claim submitted under this section shall be subject to extrapolation.

(iii) LIMITATION ON APPLICATION.—Clauses (i) and (ii) shall not apply to cases of fraudulent billing.

(C) SAFE HARBOR.—If a physician requests an advisory opinion under this subsection, neither the fiscal intermediary, the carrier, nor a contractor under section 1893 of the Social Security Act (42 U.S.C. 1395ddd) may begin an investigation or target such physician based on any claim cited in the request.

(b) EXTENSION OF EXISTING ADVISORY OPINION PROVISIONS OF LAW.—Section 1128D(b) of the Social Security Act (42 U.S.C. 1320a–7d(b)) is amended—

(1) in paragraph (4), by adding at the end the following new subparagraph:

''(C) SAFE HARBOR.—If a party requests an advisory opinion under this subsection, neither the fiscal intermediary, the carrier, nor a contractor under section 1893 may begin an investigation or target such party based on any claim cited in the request.''; and

(2) in paragraph (6), by striking '' and before the date which is 4 years after such date of enactment''.

## TITLE IV—SUSTAINABLE GROWTH RATE REFORMS

**SEC. 401. INCLUSION OF REGULATORY COSTS IN THE CALCULATION OF THE SUSTAINABLE GROWTH RATE.**

(a) IN GENERAL.—Section 1848(f)(2) of the Social Security Act (42 U.S.C. 1395w–4(f)(2)) is amended—

(1) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively;

(2) by striking ''SPECIFICATION OF GROWTH RATE.—The sustainable growth rate'' and inserting ''SPECIFICATION OF GROWTH RATE.—

''(A) IN GENERAL.—The sustainable growth rate''; and

(3) by adding at the end the following new subparagraphs:

''(B) INCLUSION OF SGR REGULATORY COSTS.—The Secretary shall include in the estimate established under clause (iv)—

''(i) the costs for each physicians' service resulting from any regulation implemented by the Secretary during the year for which the sustainable growth rate is estimated, including those regulations that may be implemented during such year; and

''(ii) the costs described in subparagraph (C).

''(C) INCLUSION OF OTHER REGULATORY COSTS.—The costs described in this subparagraph are any per procedure costs incurred by each physicians' practice in complying with each regulation promulgated by the Secretary, regardless of whether such regulation affects the fee schedule established under subsection (b)(1).

''(D) INCLUSION OF COSTS IN REGULATORY IMPACT ANALYSES.—With respect to any regulation promulgated on or after January 1, 2001, that may impose a regulatory cost described in subparagraph (B)(i) or (C) on a physician, the Secretary shall include in the regulatory impact analysis accompanying such regulation an estimate of any such cost.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to any estimate made by the Secretary of Health and Human Services on or after the date of enactment of this Act.

## TITLE V—STUDIES AND REPORTS

**SEC. 501. GAO AUDIT AND REPORT ON COMPLIANCE WITH CERTAIN STATUTORY ADMINISTRATIVE PROCEDURE REQUIREMENTS.**

(a) AUDIT.—The Comptroller General of the United States shall conduct an audit of the compliance of the Health Care Financing Administration and all regulations promulgated by the Department of Health and Human Resources under statutes administered by the Health Care Financing Administration with—

(1) the provisions of such statutes;

(2) subchapter II of chapter 5 of title 5, United States Code (including section 553 of such title); and

(3) chapter 6 of title 5, United States Code.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the audit conducted under

subsection (a), together with such recommendations for legislative and administrative action as the Comptroller General determines appropriate.

**SEC. 502. GAO STUDY AND REPORT ON PROVIDER PARTICIPATION.**

(a) STUDY.—The Comptroller General of the United States shall conduct a study on provider participation in the medicare program to determine whether policies or enforcement efforts against health care providers have reduced access to care for medicare beneficiaries. Such study shall include a determination of the total cost to physician, supplier, and provider practices of compliance with medicare laws and regulations, the number of physician, supplier, and provider audits, the actual overpayments assessed in consent settlements, and the attendant projected overpayments communicated to physicians, suppliers, and providers as part of the consent settlement process.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), together with such recommendations for legislative and administrative action as the Comptroller General determines appropriate.

**SEC. 503. GAO AUDIT OF RANDOM SAMPLE AUDITS.**

(a) AUDIT.—The Comptroller General of the United States shall conduct an audit to determine—

(1) the statistical validity of random sample audits conducted under the medicare program before the date of the enactment of this Act;

(2) the necessity of such audits for purposes of administering sections 1815(a), 1842(a), and 1861(v)(1)(A)(ii) of the Social Security Act (42 U.S.C. 1395g(a), 1395u(a), and 1395x(v)(1)(A)(ii));

(3) the effects of the application of such audits to health care providers under sections 1842(b), 1866(a)(1)(B)(ii), 1870, and 1893 of such Act (42 U.S.C. 1395u(a), 1395cc(a)(1)(B)(ii), 1395gg, and 1395ddd); and

(4) the percentage of claims found to be improper from these audits, as well as the proportion of the extrapolated overpayment amounts to the overpayment amounts found from the analysis of the original sample.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the audit conducted under subsection (a), together with such recommendations for legislative and administrative action as the Comptroller General determines appropriate.

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## AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

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## LOTT AMENDMENTS NOS. 4211–4217

(Ordered to lie on the table.)

Mr. LOTT submitted seven amendments intended to be proposed by him to the bill, S. 2045, supra; as follows:

AMENDMENT NO. 4211

In lieu of the matter proposed, insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

**SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.**

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

''(iii) 195,000 in fiscal year 2000; and

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002; and''.

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

**SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.**

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

''(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.''.

**SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.**

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

**SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.**

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

**SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.**

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

**SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.**

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

**SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.**

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

**SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".**

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

**SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.**

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking ''56.3 percent'' and inserting ''55 percent'';

(2) in paragraph (3), by striking ''28.2 percent'' and inserting ''23.5 percent'';

(3) by amending paragraph (4) to read as follows:

''(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

''(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

''(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).'';

(4) in paragraph (6), by striking ''6 percent'' and inserting ''5 percent''; and

(5) in paragraph (6), by striking ''3 percent'' each place it appears and inserting ''2.5 percent''.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''$2,500 per year.'' and inserting ''$3,125 per year. The Director may renew scholarships for up to 4 years.''.

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

''(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

''(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

''(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

''(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

''(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.

**SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.**

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

''(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

''(1) IN GENERAL.—

''(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

''(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

''(2) GRANTS.—

''(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

''(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

''(I) one workforce investment board;

''(II) one community-based organization or higher education institution or labor union; and

''(III) one business or business-related nonprofit organization such as a trade association; and

''(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

''(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under

subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

''(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

''(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

''(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

''(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

''(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

''(3) START-UP FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

''(4) TRAINING OUTCOMES.—

''(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

''(i) hire or effectuate the hiring of unemployed trainees (where applicable);

''(ii) increase the wages or salary of incumbent workers (where applicable); and

''(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

''(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

''(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

''(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

''(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

''(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.''.

**SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.**

(a) SHORT TITLE.—This section may be cited as the ''Kids 2000 Act''.

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

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

**SEC. 13. SEVERABILITY.**

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted two days after effective date.

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AMENDMENT NO. 4212

At the appropriate place insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

**SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.**

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

''(iii) 195,000 in fiscal year 2000; and

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002; and''.

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

**SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.**

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

''(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.''.

**SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.**

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

**SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.**

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

**SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.**

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

**SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.**

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

**SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.**

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

**SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".**

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation

shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

**SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.**

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking ''56.3 percent'' and inserting ''55 percent'';

(2) in paragraph (3), by striking ''28.2 percent'' and inserting ''23.5 percent'';

(3) by amending paragraph (4) to read as follows:

''(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

''(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

''(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).'';

(4) in paragraph (6), by striking ''6 percent'' and inserting ''5 percent''; and

(5) in paragraph (6), by striking ''3 percent'' each place it appears and inserting ''2.5 percent''.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''$2,500 per year.'' and inserting ''$3,125 per year. The Director may renew scholarships for up to 4 years.''.

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

''(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

''(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

''(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

''(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

''(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.

**SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.**

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

''(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

''(1) IN GENERAL.—

''(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

''(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

''(2) GRANTS.—

''(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

''(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

''(I) one workforce investment board;

''(II) one community-based organization or higher education institution or labor union; and

''(III) one business or business-related nonprofit organization such as a trade association; and

''(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

''(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

''(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

''(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

''(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

''(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

''(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

''(3) START-UP FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

''(4) TRAINING OUTCOMES.—

''(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

''(i) hire or effectuate the hiring of unemployed trainees (where applicable);

''(ii) increase the wages or salary of incumbent workers (where applicable); and

''(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

''(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

''(i) articulate the level of skills that workers will be trained for and the manner by

which attainment of those skills will be measured; and

''(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

''(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

''(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.''.

**SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.**

(a) SHORT TITLE.—This section may be cited as the ''Kids 2000 Act''.

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

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

**SEC. 13. SEVERABILITY.**

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted one day after effective date.

AMENDMENT NO. 4213

At the appropriate place insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

**SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.**

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

''(iii) 195,000 in fiscal year 2000; and

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002; and''.

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

**SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.**

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

''(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed.

Where multiple petitions are approved for 1 alien, that alien shall be counted only once.''.

**SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.**

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

**SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.**

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

**SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.**

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

**SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.**

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

**SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.**

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

**SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".**

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

**SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.**

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking ''56.3 percent'' and inserting ''55 percent'';

(2) in paragraph (3), by striking ''28.2 percent'' and inserting ''23.5 percent'';

(3) by amending paragraph (4) to read as follows:

''(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

''(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

''(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).'';

(4) in paragraph (6), by striking ''6 percent'' and inserting ''5 percent''; and

(5) in paragraph (6), by striking ''3 percent'' each place it appears and inserting ''2.5 percent''.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''$2,500 per year.'' and inserting ''$3,125 per year. The Director may renew scholarships for up to 4 years.''.

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

''(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

''(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

''(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

''(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

''(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.

**SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.**

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

''(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

''(1) IN GENERAL.—

''(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

''(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

''(2) GRANTS.—

''(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

''(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

''(I) one workforce investment board;

''(II) one community-based organization or higher education institution or labor union; and

''(III) one business or business-related nonprofit organization such as a trade association; and

''(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

''(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

''(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

''(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

''(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

''(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

''(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

''(3) START-UP FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

''(4) TRAINING OUTCOMES.—

''(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

''(i) hire or effectuate the hiring of unemployed trainees (where applicable);

''(ii) increase the wages or salary of incumbent workers (where applicable); and

''(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

''(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

''(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

''(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

''(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

''(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.''.

**SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.**

(a) SHORT TITLE.—This section may be cited as the ''Kids 2000 Act''.

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

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

**SEC. 13. SEVERABILITY.**

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted two days after effective date.

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AMENDMENT NO. 4214

At the appropriate place insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

**SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.**

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

''(iii) 195,000 in fiscal year 2000; and

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002; and''.

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

**SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.**

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

''(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.''.

**SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.**

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

**SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.**

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the

new petition is denied, such authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

**SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.**

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

**SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.**

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

**SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.**

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

**SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".**

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

**SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.**

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking ''56.3 percent'' and inserting ''55 percent'';

(2) in paragraph (3), by striking ''28.2 percent'' and inserting ''23.5 percent'';

(3) by amending paragraph (4) to read as follows:

''(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

''(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

''(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).'';

(4) in paragraph (6), by striking ''6 percent'' and inserting ''5 percent''; and

(5) in paragraph (6), by striking ''3 percent'' each place it appears and inserting ''2.5 percent''.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''$2,500 per year.'' and inserting ''$3,125 per year. The Director may renew scholarships for up to 4 years.''.

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

''(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

''(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

''(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

''(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

''(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.

**SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.**

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

''(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

''(1) IN GENERAL.—

''(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

''(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

''(2) GRANTS.—

''(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

''(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

''(I) one workforce investment board;

''(II) one community-based organization or higher education institution or labor union; and

''(III) one business or business-related nonprofit organization such as a trade association; and

''(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs

under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

''(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

''(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

''(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

''(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

''(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

''(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

''(3) START-UP FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

''(4) TRAINING OUTCOMES.—

''(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

''(i) hire or effectuate the hiring of unemployed trainees (where applicable);

''(ii) increase the wages or salary of incumbent workers (where applicable); and

''(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

''(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

''(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

''(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

''(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

''(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.''.

**SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.**

(a) SHORT TITLE.—This section may be cited as the ''Kids 2000 Act''.

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

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

**SEC. 13. SEVERABILITY.**

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted three days after effective date.

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AMENDMENT NO. 4215

Strike all after the first word and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

**SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.**

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

''(iii) 195,000 in fiscal year 2000; and

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002; and''.

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

**SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.**

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

''(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.''.

**SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.**

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

**SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.**

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

**SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.**

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

**SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.**

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

**SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.**

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be

issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

**SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".**

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

**SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.**

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking ''56.3 percent'' and inserting ''55 percent'';

(2) in paragraph (3), by striking ''28.2 percent'' and inserting ''23.5 percent'';

(3) by amending paragraph (4) to read as follows:

''(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

''(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

''(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).'';

(4) in paragraph (6), by striking ''6 percent'' and inserting ''5 percent''; and

(5) in paragraph (6), by striking ''3 percent'' each place it appears and inserting ''2.5 percent''.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''$2,500 per year.'' and inserting ''$3,125 per year. The Director may renew scholarships for up to 4 years.''.

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

''(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

''(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

''(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

''(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

''(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.

**SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.**

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

''(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

''(1) IN GENERAL.—

''(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

''(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

''(2) GRANTS.—

''(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

''(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

''(I) one workforce investment board;

''(II) one community-based organization or higher education institution or labor union; and

''(III) one business or business-related nonprofit organization such as a trade association; and

''(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

''(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

''(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

''(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

''(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

''(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

''(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

''(3) START-UP FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

''(4) TRAINING OUTCOMES.—

''(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

''(i) hire or effectuate the hiring of unemployed trainees (where applicable);

''(ii) increase the wages or salary of incumbent workers (where applicable); and

''(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

''(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

''(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

''(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

''(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

''(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.''.

**SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.**

(a) SHORT TITLE.—This section may be cited as the ''Kids 2000 Act''.

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

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

**SEC. 13. SEVERABILITY.**

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted one day after effective date.

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AMENDMENT NO. 4216

Strike all after the first word and insert the following:

**1. SHORT TITLE.**

This Act may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

**SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.**

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

''(iii) 195,000 in fiscal year 2000; and

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002; and''.

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

**SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.**

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days

after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

''(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.''.

**SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.**

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

**SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.**

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

**SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.**

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

**SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.**

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

**SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.**

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

**SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".**

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

**SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.**

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking ''56.3 percent'' and inserting ''55 percent'';

(2) in paragraph (3), by striking ''28.2 percent'' and inserting ''23.5 percent'';

(3) by amending paragraph (4) to read as follows:

''(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

''(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

''(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).'';

(4) in paragraph (6), by striking ''6 percent'' and inserting ''5 percent''; and

(5) in paragraph (6), by striking ''3 percent'' each place it appears and inserting ''2.5 percent''.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''$2,500 per year.'' and inserting ''$3,125 per year. The Director may renew scholarships for up to 4 years.''.

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

''(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

''(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

''(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

''(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

''(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.

**SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.**

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

''(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

''(1) IN GENERAL.—

''(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

''(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

''(2) GRANTS.—

''(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

''(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

''(I) one workforce investment board;

''(II) one community-based organization or higher education institution or labor union; and

''(III) one business or business-related nonprofit organization such as a trade association; and

''(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

''(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

''(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

''(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

''(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

''(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

''(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

''(3) START-UP FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

''(4) TRAINING OUTCOMES.—

''(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

''(i) hire or effectuate the hiring of unemployed trainees (where applicable);

''(ii) increase the wages or salary of incumbent workers (where applicable); and

''(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

''(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

''(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

''(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

''(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

''(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.''.

**SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.**

(a) SHORT TITLE.—This section may be cited as the ''Kids 2000 Act''.

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

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

**SEC. 13. SEVERABILITY.**

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted two days after effective date.

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AMENDMENT NO. 4217

In lieu of the matter proposed, insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

**SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.**

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

''(iii) 195,000 in fiscal year 2000; and

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002; and''.

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

**SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.**

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

''(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.''.

**SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.**

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

**SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.**

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

**SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.**

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

**SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.**

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

**SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.**

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

**SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".**

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

**SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.**

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking ''56.3 percent'' and inserting ''55 percent'';

(2) in paragraph (3), by striking ''28.2 percent'' and inserting ''23.5 percent'';

(3) by amending paragraph (4) to read as follows:

''(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

''(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

''(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).'';

(4) in paragraph (6), by striking ''6 percent'' and inserting ''5 percent''; and

(5) in paragraph (6), by striking ''3 percent'' each place it appears and inserting ''2.5 percent''.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''$2,500 per year.'' and inserting ''$3,125 per year. The Director may renew scholarships for up to 4 years.''.

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

''(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

''(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

''(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

''(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

''(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.

**SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.**

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

''(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

''(1) IN GENERAL.—

''(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

''(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

''(2) GRANTS.—

''(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph

(1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

''(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

''(I) one workforce investment board;

''(II) one community-based organization or higher education institution or labor union; and

''(III) one business or business-related nonprofit organization such as a trade association; and

''(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

''(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

''(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

''(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

''(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

''(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

''(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

''(3) START-UP FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

''(4) TRAINING OUTCOMES.—

''(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

''(i) hire or effectuate the hiring of unemployed trainees (where applicable);

''(ii) increase the wages or salary of incumbent workers (where applicable); and

''(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

''(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

''(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

''(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

''(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

''(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.''.

**SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.**

(a) SHORT TITLE.—This section may be cited as the ''Kids 2000 Act''.

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

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

**SEC. 13. SEVERABILITY.**

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted one day after effective date.

## NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, September 27, 2000 at 9:30 a.m. in room 485 of the Russell Senate Building to conduct a hearing on S. 2052, the Indian tribal development consolidated funding act of 2000, to be followed immediately by a business meeting to mark up S. 1840, the California Indian Land Transfer Act; S. 2665, to establish a streamlined process to enable the Navajo Nation to lease trust lands without having to obtain the approval of the Secretary of the Interior of individual leases, except leases for exploration, development, or extraction of any mineral resources; S. 2917, the Santo Domingo Pueblo Claims Settlement Act of 2000; H.R. 4643, the Torrez-Martinez Desert Cahuilla Indian Claims Settlement Act; S. 2688, the Native American Languages Act Amendments Act of 2000; S. 2580, the Indian School Construction Act; S. 3031, to make certain technical corrections in laws relating to Native Americans; S. 2920, the Indian Gaming Regulatory Improvement Act of 2000; S. 2526, to amend the Indian Health Care Improvement Act to revise and extend such Act; and H.R. 1460, to amend the Ysleta Sur and Alabama and Coushatta Indian Tribes of Texas Restoration Act, and for other purposes.

Those wishing additional information may contact committee staff at 202/224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, October 4, 2000 at 9:30 a.m. in room 485 of the Russell Senate Building to conduct an oversight hearing on alcohol and law enforcement in Alaska.

Those wishing additional information may contact committee staff at 202/224–2251.

## RED RIVER BOUNDARY COMPACT

Mr. GORTON. I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 785, H.J. Res. 72.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (H.J. Res. 72) granting the consent of the Congress to the Red River Boundary Compact.

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

Mr. GORTON. I ask unanimous consent that the joint resolution be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

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

The joint resolution (H.J. Res. 72) was read the third time and passed.

## KANSAS AND MISSOURI METROPOLITAN CULTURE DISTRICT COMPACT

Mr. GORTON. I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 783, H.R. 4700.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4700) to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I congratulate Congresswoman KAREN MCCARTHY of Missouri, who has worked so hard on this legislation. It provides congressional approval to an interstate compact that is important to her and to the people of Kansas City. I know that she helped establish the Kansas and Missouri Metropolitan Culture District for local efforts to benefit Kansas City and that she has championed this effort to obtain the constitutionally required congressional consent to the compact between Missouri and Kansas in this regard. I am glad the Senate is responding favorably to her efforts and commend her leadership in moving this measure through Congress.

Mr. GORTON. I ask unanimous consent that the bill be deemed read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 4700) was deemed read the third time and passed.

## CONSTRUCTION OF A RECONCILIATION PLACE IN FORT PIERRE, SOUTH DAKOTA

Mr. GORTON. I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 745, S. 1658.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1658) to authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert the part printed in italic.

***SECTION 1. FINDINGS.***

*Congress finds that—*

*(1) there is a continuing need for reconciliation between Indians and non-Indians;*

*(2) the need may be met partially through the promotion of the understanding of the history and culture of Sioux Indian tribes;*

*(3) the establishment of a Sioux Nation Tribal Supreme Court will promote economic development on reservations of the Sioux Nation and provide investors that contribute to that development a greater degree of certainty and confidence by—*

*(A) reconciling conflicting tribal laws; and*

*(B) strengthening tribal court systems;*

*(4) the reservations of the Sioux Nation—*

*(A) contain the poorest counties in the United States; and*

*(B) lack adequate tools to promote economic development and the creation of jobs;*

*(5) the establishment of a Native American Economic Development Council will assist in promoting economic growth and reducing poverty on reservations of the Sioux Nation by—*

*(A) coordinating economic development efforts;*

*(B) centralizing expertise concerning Federal assistance; and*

*(C) facilitating the raising of funds from private donations to meet matching requirements under certain Federal assistance programs;*

*(6) there is a need to enhance and strengthen the capacity of Indian tribal governments and tribal justice systems to address conflicts which impair relationships within Indian communities and between Indian and non-Indian communities and individuals; and*

*(7) the establishment of the National Native American Mediation Training Center, with the technical assistance of tribal and Federal agencies, including the Community Relations Service of the Department of Justice, would enhance and strengthen the mediation skills that are useful in reducing tensions and resolving conflicts in Indian communities and between Indian and non-Indian communities and individuals.*

***SEC. 2. DEFINITIONS.***

*In this Act:*

*(1) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).*

*(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.*

*(3) SIOUX NATION.—The term ''Sioux Nation'' means the Indian tribes comprising the Sioux Nation.*

***TITLE I—RECONCILIATION CENTER***

***SEC. 101. RECONCILIATION CENTER.***

*(a) ESTABLISHMENT.—The Secretary of Housing and Urban Development, in cooperation*

with the Secretary, shall establish, in accordance with this section, a reconciliation center, to be known as ''Reconciliation Place''.

(b) LOCATION.—Notwithstanding any other provision of law, the Secretary shall take into trust for the benefit of the Sioux Nation the parcel of land in Stanley County, South Dakota, that is described as ''The Reconciliation Place Addition'' that is owned on the date of enactment of this Act by the Wakpa Sica Historical Society, Inc., for the purpose of establishing and operating The Reconciliation Place.

(c) PURPOSES.—The purposes of Reconciliation Place shall be as follows:

(1) To enhance the knowledge and understanding of the history of Native Americans by—

(A) displaying and interpreting the history, art, and culture of Indian tribes for Indians and non-Indians; and

(B) providing an accessible repository for—

(i) the history of Indian tribes; and

(ii) the family history of members of Indian tribes.

(2) To provide for the interpretation of the encounters between Lewis and Clark and the Sioux Nation.

(3) To house the Sioux Nation Tribal Supreme Court.

(4) To house the Native American Economic Development Council.

(5) To house the National Native American Mediation Training Center to train tribal personnel in conflict resolution and alternative dispute resolution.

(d) GRANT.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development shall offer to award a grant to the Wakpa Sica Historical Society of Fort Pierre, South Dakota, for the construction of Reconciliation Place.

(2) GRANT AGREEMENT.—

(A) IN GENERAL.—As a condition to receiving the grant under this subsection, the appropriate official of the Wakpa Sica Historical Society shall enter into a grant agreement with the Secretary of Housing and Urban Development.

(B) CONSULTATION.—Before entering into a grant agreement under this paragraph, the Secretary of Housing and Urban Development shall consult with the Secretary concerning the contents of the agreement.

(C) DUTIES OF THE WAKPA SICA HISTORICAL SOCIETY.—The grant agreement under this paragraph shall specify the duties of the Wakpa Sica Historical Society under this section and arrangements for the maintenance of Reconciliation Place.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Housing and Urban Development $18,258,441, to be used for the grant under this section.

**SEC. 102. SIOUX NATION SUPREME COURT AND NATIONAL NATIVE AMERICAN MEDIATION TRAINING CENTER.**

(a) IN GENERAL.—To ensure the development and operation of the Sioux Nation Tribal Supreme Court and the National Native American Medication Training Center, the Attorney General of the United States shall use available funds to provide technical and financial assistance to the Sioux Nation.

(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Department of Justice such sums as are necessary.

## TITLE II—NATIVE AMERICAN ECONOMIC DEVELOPMENT COUNCIL

**SEC. 201. ESTABLISHMENT OF NATIVE AMERICAN ECONOMIC DEVELOPMENT COUNCIL.**

(a) ESTABLISHMENT.—There is established the Native American Economic Development Council (in this title referred to as the ''Council''). The Council shall be a charitable and nonprofit corporation and shall not be considered to be an agency or establishment of the United States.

(b) PURPOSES.—The purposes of the Council are—

(1) to encourage, accept, and administer private gifts of property;

(2) to use those gifts as a source of matching funds necessary to receive Federal assistance;

(3) to provide members of Indian tribes with the skills and resources necessary for establishing successful businesses;

(4) to provide grants and loans to members of Indian tribes to establish or operate small businesses;

(5) to provide scholarships for members of Indian tribes who are students pursuing an education in business or a business-related subject; and

(6) to provide technical assistance to Indian tribes and members thereof in obtaining Federal assistance.

**SEC. 202. BOARD OF DIRECTORS OF THE COUNCIL.**

(a) ESTABLISHMENT AND MEMBERSHIP.—

(1) IN GENERAL.—The Council shall have a governing Board of Directors (in this title referred to as the ''Board'').

(2) MEMBERSHIP.—The Board shall consist of 11 directors, who shall be appointed by the Secretary as follows:

(A)(i) 9 members appointed under this paragraph shall represent the 9 reservations of South Dakota.

(ii) Each member described in clause (i) shall—

(I) represent 1 of the reservations described in clause (i); and

(II) be selected from among nominations submitted by the appropriate Indian tribe.

(B) 1 member appointed under this paragraph shall be selected from nominations submitted by the Governor of the State of South Dakota.

(C) 1 member appointed under this paragraph shall be selected from nominations submitted by the most senior member of the South Dakota Congressional delegation.

(3) CITIZENSHIP.—Each member of the Board shall be a citizen of the United States.

(b) APPOINTMENTS AND TERMS.—

(1) APPOINTMENT.—Not later than December 31, 2000, the Secretary shall appoint the directors of the Board under subsection (a)(2).

(2) TERMS.—Each director shall serve for a term of 2 years.

(3) VACANCIES.—A vacancy on the Board shall be filled not later than 60 days after that vacancy occurs, in the manner in which the original appointment was made.

(4) LIMITATION ON TERMS.—No individual may serve more than 3 consecutive terms as a director.

(c) CHAIRMAN.—The Chairman shall be elected by the Board from its members for a term of 2 years.

(d) QUORUM.—A majority of the members of the Board shall constitute a quorum for the transaction of business.

(e) MEETINGS.—The Board shall meet at the call of the Chairman at least once a year. If a director misses 3 consecutive regularly scheduled meetings, that individual may be removed from the Board by the Secretary and that vacancy filled in accordance with subsection (b).

(f) REIMBURSEMENT OF EXPENSES.—Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council.

(g) GENERAL POWERS.—

(1) POWERS.—The Board may complete the organization of the Council by—

(A) appointing officers and employees;

(B) adopting a constitution and bylaws consistent with the purposes of the Council under this Act; and

(C) carrying out such other actions as may be necessary to carry out the purposes of the Council under this Act.

(2) EFFECT OF APPOINTMENT.—Appointment to the Board shall not constitute employment by, or the holding of an office of, the United States for the purposes of any Federal law.

(3) LIMITATIONS.—The following limitations shall apply with respect to the appointment of officers and employees of the Council:

(A) Officers and employees may not be appointed until the Council has sufficient funds to pay them for their service.

(B) Officers and employees of the Council—

(i) shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(ii) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(4) SECRETARY OF THE BOARD.—The first officer or employee appointed by the Board shall be the Secretary of the Board. The Secretary of the Board shall—

(A) serve, at the direction of the Board, as its chief operating officer; and

(B) be knowledgeable and experienced in matters relating to economic development and Indian affairs.

**SEC. 203. POWERS AND OBLIGATIONS OF THE COUNCIL.**

(a) CORPORATE POWERS.—To carry out its purposes under section 201(b), the Council shall have, in addition to the powers otherwise given it under this Act, the usual powers of a corporation acting as a trustee in South Dakota, including the power—

(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(2) to acquire by purchase or exchange any real or personal property or interest therein;

(3) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain, or otherwise dispose of any property or income therefrom;

(4) to borrow money and issue bonds, debentures, or other debt instruments;

(5) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the directors shall not be personally liable, except for gross negligence;

(6) to enter into contracts or other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its function; and

(7) to carry out any action that is necessary and proper to carry out the purposes of the Council.

(b) OTHER POWERS AND OBLIGATIONS.—

(1) IN GENERAL.—The Council—

(A) shall have perpetual succession;

(B) may conduct business throughout the several States, territories, and possessions of the United States and abroad;

(C) shall have its principal offices in South Dakota; and

(D) shall at all times maintain a designated agent authorized to accept service of process for the Council.

(2) SERVICE OF NOTICE.—The serving of notice to, or service of process upon, the agent required under paragraph (1)(D), or mailed to the business address of such agent, shall be deemed as service upon or notice to the Council.

(c) SEAL.—The Council shall have an official seal selected by the Board, which shall be judicially noticed.

(d) CERTAIN INTERESTS.—If any current or future interest of a gift under subsection (a)(1) is for the benefit of the Council, the Council may accept the gift under such subsection, even if that gift is encumbered, restricted, or subject to beneficial interests of 1 or more private persons.

**SEC. 204. ADMINISTRATIVE SERVICES AND SUPPORT.**

(a) PROVISION OF SERVICES.—The Secretary may provide personnel, facilities, and other administrative services to the Council, including

*reimbursement of expenses under section 202, not to exceed then current Federal Government per diem rates, for a period ending not later than 5 years after the date of enactment of this Act.*

*(b) REIMBURSEMENT.—*

*(1) IN GENERAL.—The Council may reimburse the Secretary for any administrative service provided under subsection (a). The Secretary shall deposit any reimbursement received under this subsection into the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services.*

*(2) CONTINUATION OF CERTAIN ASSISTANCE.—Notwithstanding any other provision of this section, the Secretary is authorized to continue to provide facilities, and necessary support services for such facilities, to the Council after the date specified in subsection (a), on a space available, reimbursable cost basis.*

***SEC. 205. VOLUNTEER STATUS.***

*(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may accept, without regard to the civil service classification laws, rules, or regulations, the services of the Council, the Board, and the officers and employees of the Board, without compensation from the Secretary, as volunteers in the performance of the functions authorized under this Act.*

*(b) INCIDENTAL EXPENSES.—The Secretary is authorized to provide for incidental expenses, including transportation, lodging, and subsistence to the officers and employees serving as volunteers under subsection (a).*

***SEC. 206. AUDITS, REPORT REQUIREMENTS, AND PETITION OF ATTORNEY GENERAL FOR EQUITABLE RELIEF.***

*(a) AUDITS.—The Council shall be subject to auditing and reporting requirements under section 10101 of title 36, United States Code, in the same manner as is a corporation under part B of that title.*

*(b) REPORT.—As soon as practicable after the end of each fiscal year, the Council shall transmit to Congress a report of its proceedings and activities during such year, including a full and complete statement of its receipts, expenditures, and investments.*

*(c) RELIEF WITH RESPECT TO CERTAIN COUNCIL ACTS OR FAILURE TO ACT.—If the Council—*

*(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with the purposes of the Council under section 201(b); or*

*(2) refuses, fails, or neglects to discharge the obligations of the Council under this Act, or threatens to do so;*

*then the Attorney General of the United States may petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate.*

***SEC. 207. UNITED STATES RELEASE FROM LIABILITY.***

*The United States shall not be liable for any debts, defaults, acts, or omissions of the Council. The full faith and credit of the United States shall not extend to any obligation of the Council.*

***SEC. 208. GRANTS TO COUNCIL; TECHNICAL ASSISTANCE.***

*(a) GRANTS.—*

*(1) IN GENERAL.—Not less frequently than annually, the Secretary shall award a grant to the Council, to be used to carry out the purposes specified in section 201(b) in accordance with this section.*

*(2) GRANT AGREEMENTS.—As a condition to receiving a grant under this section, the secretary of the Board, with the approval of the Board, shall enter into an agreement with the Secretary that specifies the duties of the Council in carrying out the grant and the information that is required to be included in the agreement under paragraphs (3) and (4).*

*(3) MATCHING REQUIREMENTS.—Each agreement entered into under paragraph (2) shall specify that the Federal share of a grant under this section shall be 80 percent of the cost of the activities funded under the grant. No amount may be made available to the Council for a grant under this section, unless the Council has raised an amount from private persons and State and local government agencies equivalent to the non-Federal share of the grant.*

*(4) PROHIBITION ON THE USE OF FEDERAL FUNDS FOR ADMINISTRATIVE EXPENSES.—Each agreement entered into under paragraph (2) shall specify that a reasonable amount of the Federal funds made available to the Council (under the grant that is the subject of the agreement or otherwise), but in no event more that 15 percent of such funds, may be used by the Council for administrative expenses of the Council, including salaries, travel and transportation expenses, and other overhead expenses.*

*(b) TECHNICAL ASSISTANCE.—*

*(1) IN GENERAL.—Each agency head listed in paragraph (2) shall provide to the Council such technical assistance as may be necessary for the Council to carry out the purposes specified in section 201(b).*

*(2) AGENCY HEADS.—The agency heads listed in this paragraph are as follows:*

*(A) The Secretary of Housing and Urban Development.*

*(B) The Secretary of the Interior.*

*(C) The Commissioner of Indian Affairs.*

*(D) The Assistant Secretary for Economic Development of the Department of Commerce.*

*(E) The Administrator of the Small Business Administration.*

*(F) The Administrator of the Rural Development Administration.*

***SEC. 209. AUTHORIZATION OF APPROPRIATIONS.***

*(a) AUTHORIZATION.—There are authorized to be appropriated to the Department of the Interior, $10,000,000 for each of fiscal years 2002, 2003, 2004, 2005, and 2006, to be used in accordance with section 208.*

*(b) ADDITIONAL AUTHORIZATION.—The amounts authorized to be appropriated under this section are in addition to any amounts provided or available to the Council under any other provision of Federal law.*

Mr. GORTON. I ask unanimous consent that the committee substitute be agreed to, the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The bill (S. 1658), as amended, was considered read the third time and passed.

## NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 765, S. 1929.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1929) a bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend such Act.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert the part printed in italic.

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Native Hawaiian Health Care Improvement Act Reauthorization of 2000''.*

***SEC. 2. AMENDMENT TO THE NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT.***

*The Native Hawaiian Health Care Improvement Act (42 U.S.C. 11701 et seq.) is amended to read as follows:*

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

*''(a) SHORT TITLE.—This Act may be cited as the 'Native Hawaiian Health Care Improvement Act'.*

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



***''SEC. 2. FINDINGS.***

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

*''(1) Native Hawaiians begin their story with the Kumulipo which details the creation and inter-relationship of all things, including their evolvement as healthy and well people.*

*''(2) Native Hawaiians are a distinct and unique indigenous peoples with a historical continuity to the original inhabitants of the Hawaiian archipelago within Ke Moananui, the Pacific Ocean, and have a distinct society organized almost 2,000 years ago.*

*''(3) The health and well-being of Native Hawaiians are intrinsically tied to their deep feelings and attachment to their lands and seas.*

*''(4) The long-range economic and social changes in Hawaii over the 19th and early 20th centuries have been devastating to the health and well-being of Native Hawaiians.*

*''(5) Native Hawaiians have never directly relinquished to the United States their claims to their inherent sovereignty as a people or over their national territory, either through their monarchy or through a plebiscite or referendum.*

*''(6) The Native Hawaiian people are determined to preserve, develop and transmit to future generations their ancestral territory, and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions. In referring to themselves, Native Hawaiians use the term 'Kanaka Maoli', a term frequently used in the 19th century to describe the native people of Hawaii.*

*''(7) The constitution and statutes of the State of Hawaii—*

*''(A) acknowledge the distinct land rights of Native Hawaiian people as beneficiaries of the public lands trust; and*

*''(B) reaffirm and protect the unique right of the Native Hawaiian people to practice and perpetuate their cultural and religious customs, beliefs, practices, and language.*

*''(8) At the time of the arrival of the first non-indigenous peoples in Hawaii in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient, subsistence social system based*

on communal land tenure with a sophisticated language, culture, and religion.

''(9) A unified monarchical government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawaii.

''(10) Throughout the 19th century and until 1893, the United States—

''(A) recognized the independence of the Hawaiian Nation;

''(B) extended full and complete diplomatic recognition to the Hawaiian Government; and

''(C) entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875 and 1887.

''(11) In 1893, John L. Stevens, the United States Minister assigned to the sovereign and independent Kingdom of Hawaii, conspired with a small group of non-Hawaiian residents of the Kingdom, including citizens of the United States, to overthrow the indigenous and lawful government of Hawaii.

''(12) In pursuance of that conspiracy, the United States Minister and the naval representative of the United States caused armed naval forces of the United States to invade the sovereign Hawaiian Nation in support of the overthrow of the indigenous and lawful Government of Hawaii and the United States Minister thereupon extended diplomatic recognition of a provisional government formed by the conspirators without the consent of the native people of Hawaii or the lawful Government of Hawaii in violation of treaties between the 2 nations and of international law.

''(13) In a message to Congress on December 18, 1893, then President Grover Cleveland reported fully and accurately on these illegal actions, and acknowledged that by these acts, described by the President as acts of war, the government of a peaceful and friendly people was overthrown, and the President concluded that a 'substantial wrong has thus been done which a due regard for our national character as well as the rights of the injured people required that we should endeavor to repair'.

''(14) Queen Lili'uokalani, the lawful monarch of Hawaii, and the Hawaiian Patriotic League, representing the aboriginal citizens of Hawaii, promptly petitioned the United States for redress of these wrongs and for restoration of the indigenous government of the Hawaiian nation, but this petition was not acted upon.

''(15) The United States has acknowledged the significance of these events and has apologized to Native Hawaiians on behalf of the people of the United States for the overthrow of the Kingdom of Hawaii with the participation of agents and citizens of the United States, and the resulting deprivation of the rights of Native Hawaiians to self-determination in legislation enacted into law in 1993 (Public Law 103–150; 107 Stat. 1510).

''(16) In 1898, the United States annexed Hawaii through the Newlands Resolution without the consent of or compensation to the indigenous peoples of Hawaii or their sovereign government who were thereby denied the mechanism for expression of their inherent sovereignty through self-government and self-determination, their lands and ocean resources.

''(17) Through the Newlands Resolution and the 1900 Organic Act, the Congress received 1,750,000 acres of lands formerly owned by the Crown and Government of the Hawaiian Kingdom and exempted the lands from then existing public land laws of the United States by mandating that the revenue and proceeds from these lands be 'used solely for the benefit of the inhabitants of the Hawaiian Islands for education and other public purposes', thereby establishing a special trust relationship between the United States and the inhabitants of Hawaii.

''(18) In 1921, Congress enacted the Hawaiian Homes Commission Act, 1920, which designated 200,000 acres of the ceded public lands for exclusive homesteading by Native Hawaiians, thereby affirming the trust relationship between the United States and the Native Hawaiians, as expressed by then Secretary of the Interior Franklin K. Lane who was cited in the Committee Report of the Committee on Territories of the House of Representatives as stating, 'One thing that impressed me . . . was the fact that the natives of the islands . . . for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty.'.

''(19) In 1938, Congress again acknowledged the unique status of the Native Hawaiian people by including in the Act of June 20, 1938 (52 Stat. 781 et seq.), a provision to lease lands within the extension to Native Hawaiians and to permit fishing in the area 'only by native Hawaiian residents of said area or of adjacent villages and by visitors under their guidance'.

''(20) Under the Act entitled 'An Act to provide for the admission of the State of Hawaii into the Union', approved March 18, 1959 (73 Stat. 4), the United States transferred responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii but reaffirmed the trust relationship which existed between the United States and the Native Hawaiian people by retaining the exclusive power to enforce the trust, including the power to approve land exchanges, and legislative amendments affecting the rights of beneficiaries under such Act.

''(21) Under the Act entitled 'An Act to provide for the admission of the State of Hawaii into the Union', approved March 18, 1959 (73 Stat. 4), the United States transferred responsibility for administration over portions of the ceded public lands trust not retained by the United States to the State of Hawaii but reaffirmed the trust relationship which existed between the United States and the Native Hawaiian people by retaining the legal responsibility of the State for the betterment of the conditions of Native Hawaiians under section 5(f) of such Act.

''(22) In 1978, the people of Hawaii amended their Constitution to establish the Office of Hawaiian Affairs and assigned to that body the authority to accept and hold real and personal property transferred from any source in trust for the Native Hawaiian people, to receive payments from the State of Hawaii due to the Native Hawaiian people in satisfaction of the pro rata share of the proceeds of the Public Land Trust created under section 5 of the Admission Act of 1959 (Public Law 83–3), to act as the lead State agency for matters affecting the Native Hawaiian people, and to formulate policy on affairs relating to the Native Hawaiian people.

''(23) The authority of the Congress under the Constitution to legislate in matters affecting the aboriginal or indigenous peoples of the United States includes the authority to legislate in matters affecting the native peoples of Alaska and Hawaii.

''(24) The United States has recognized the authority of the Native Hawaiian people to continue to work towards an appropriate form of sovereignty as defined by the Native Hawaiian people themselves in provisions set forth in legislation returning the Hawaiian Island of Kaho'olawe to custodial management by the State of Hawaii in 1994.

''(25) In furtherance of the trust responsibility for the betterment of the conditions of Native Hawaiians, the United States has established a program for the provision of comprehensive health promotion and disease prevention services to maintain and improve the health status of the Hawaiian people. This program is conducted by the Native Hawaiian Health Care Systems, the Native Hawaiian Health Scholarship Program and Papa Ola Lokahi. Health initiatives from these and other health institutions and agencies using Federal assistance have been responsible for reducing the century-old morbidity and mortality rates of Native Hawaiian people by providing comprehensive disease prevention, health promotion activities and increasing the number of Native Hawaiians in the health and allied health professions. This has been accomplished through the Native Hawaiian Health Care Act of 1988 (Public Law 100–579) and its reauthorization in section 9168 of Public Law 102–396 (106 Stat. 1948).

''(26) This historical and unique legal relationship has been consistently recognized and affirmed by Congress through the enactment of Federal laws which extend to the Native Hawaiian people the same rights and privileges accorded to American Indian, Alaska Native, Eskimo, and Aleut communities, including the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.), the American Indian Religious Freedom Act (42 U.S.C. 1996), the National Museum of the American Indian Act (20 U.S.C. 80q et seq.), and the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.).

''(27) The United States has also recognized and reaffirmed the trust relationship to the Native Hawaiian people through legislation which authorizes the provision of services to Native Hawaiians, specifically, the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987, the Veterans' Benefits and Services Act of 1988, the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Native Hawaiian Health Care Act of 1988 (Public Law 100–579), the Health Professions Reauthorization Act of 1988, the Nursing Shortage Reduction and Education Extension Act of 1988, the Handicapped Programs Technical Amendments Act of 1988, the Indian Health Care Amendments of 1988, and the Disadvantaged Minority Health Improvement Act of 1990.

''(28) The United States has also affirmed the historical and unique legal relationship to the Hawaiian people by authorizing the provision of services to Native Hawaiians to address problems of alcohol and drug abuse under the Anti-Drug Abuse Act of 1986 (Public Law 99–570).

''(29) Further, the United States has recognized that Native Hawaiians, as aboriginal, indigenous, native peoples of Hawaii, are a unique population group in Hawaii and in the continental United States and has so declared in Office of Management and Budget Circular 15 in 1997 and Presidential Executive Order No. 13125, dated June 7, 1999.

''(30) Despite the United States having expressed its commitment to a policy of reconciliation with the Native Hawaiian people for past grievances in Public Law 103–150 (107 Stat. 1510) the unmet health needs of the Native Hawaiian people remain severe and their health status continues to be far below that of the general population of the United States.

''(b) UNMET NEEDS AND HEALTH DISPARITIES.—Congress finds that the unmet needs and serious health disparities that adversely affect the Native Hawaiian people include the following:

''(1) CHRONIC DISEASE AND ILLNESS.—

''(A) CANCER.—

''(i) IN GENERAL.—With respect to all cancer—

''(I) Native Hawaiians have the highest cancer mortality rates in the State of Hawaii (231.0 out of every 100,000 residents), 45 percent higher than that for the total State population (159.7 out of every 100,000 residents);

''(II) Native Hawaiian males have the highest cancer mortality rates in the State of Hawaii for cancers of the lung, liver and pancreas and for all cancers combined;

''(III) Native Hawaiian females ranked highest in the State of Hawaii for cancers of the lung, liver, pancreas, breast, cervix uteri, corpus uteri, stomach, and rectum, and for all cancers combined;

''(IV) Native Hawaiian males have the highest years of productive life lost from cancer in the State of Hawaii with 8.7 years compared to 6.4 years for all males; and

''(V) Native Hawaiian females have 8.2 years of productive life lost from cancer in the State of Hawaii as compared to 6.4 years for all females in the State of Hawaii;

''(ii) BREAST CANCER.—With respect to breast cancer—

''(I) Native Hawaiians have the highest mortality rates in the State of Hawaii from breast cancer (37.96 out of every 100,000 residents), which is 25 percent higher than that for Caucasian Americans (30.25 out of every 100,000 residents) and 106 percent higher than that for Chinese Americans (18.39 out of every 100,000 residents); and

''(II) nationally, Native Hawaiians have the third highest mortality rates due to breast cancer (25.0 out of every 100,000 residents) following African Americans (31.4 out of every 100,000 residents) and Caucasian Americans (27.0 out of every 100,000 residents).

''(iii) CANCER OF THE CERVIX.—Native Hawaiians have the highest mortality rates from cancer of the cervix in the State of Hawaii (3.82 out of every 100,000 residents) followed by Filipino Americans (3.33 out of every 100,000 residents) and Caucasian Americans (2.61 out of every 100,000 residents).

''(iv) LUNG CANCER.—Native Hawaiians have the highest mortality rates from lung cancer in the State of Hawaii (90.70 out of every 100,000 residents), which is 61 percent higher than Caucasian Americans, who rank second and 161 percent higher than Japanese Americans, who rank third.

''(v) PROSTATE CANCER.—Native Hawaiian males have the second highest mortality rates due to prostate cancer in the State of Hawaii (25.86 out of every 100,000 residents) with Caucasian Americans having the highest mortality rate from prostate cancer (30.55 out of every 100,000 residents).

''(B) DIABETES.—With respect to diabetes, for the years 1989 through 1991—

''(i) Native Hawaiians had the highest mortality rate due to diabetes mellitis (34.7 out of every 100,000 residents) in the State of Hawaii which is 130 percent higher than the statewide rate for all other races (15.1 out of every 100,000 residents);

''(ii) full-blood Hawaiians had a mortality rate of 93.3 out of every 100,000 residents, which is 518 percent higher than the rate for the statewide population of all other races; and

''(iii) Native Hawaiians who are less than full-blood had a mortality rate of 27.1 out of every 100,000 residents, which is 79 percent higher than the rate for the statewide population of all other races.

''(C) ASTHMA.—With respect to asthma—

''(i) in 1990, Native Hawaiians comprised 44 percent of all asthma cases in the State of Hawaii for those 18 years of age and younger, and 35 percent of all asthma cases reported; and

''(ii) in 1992, the Native Hawaiian rate for asthma was 81.7 out of every 1000 residents, which was 73 percent higher than the rate for the total statewide population of 47.3 out of every 1000 residents.

''(D) CIRCULATORY DISEASES.—

''(i) HEART DISEASE.—With respect to heart disease—

''(I) the death rate for Native Hawaiians from heart disease (333.4 out of every 100,000 residents) is 66 percent higher than for the entire State of Hawaii (201.1 out of every 100,000 residents); and

''(II) Native Hawaiian males have the greatest years of productive life lost in the State of Hawaii where Native Hawaiian males lose an average of 15.5 years and Native Hawaiian females lose an average of 8.2 years due to heart disease, as compared to 7.5 years for all males in the State of Hawaii and 6.4 years for all females.

''(ii) HYPERTENSION.—The death rate for Native Hawaiians from hypertension (3.5 out of every 100,000 residents) is 84 percent higher than that for the entire State (1.9 out of every 100,000 residents).

''(iii) STROKE.—The death rate for Native Hawaiians from stroke (58.3 out of every 100,000 residents) is 13 percent higher than that for the entire State (51.8 out of every 100,000 residents).

''(2) INFECTIOUS DISEASE AND ILLNESS.—The incidence of AIDS for Native Hawaiians is at least twice as high per 100,000 residents (10.5 percent) than that for any other non-Caucasian group in the State of Hawaii.

''(3) INJURIES.—With respect to injuries—

''(A) the death rate for Native Hawaiians from injuries (38.8 out of every 100,000 residents) is 45 percent higher than that for the entire State (26.8 out of every 100,000 residents);

''(B) Native Hawaiian males lose an average of 14 years of productive life lost from injuries as compared to 9.8 years for all other males in Hawaii; and

''(C) Native Hawaiian females lose and average of 4 years of productive life lost from injuries but this rate is the highest rate among all females in the State of Hawaii.

''(4) DENTAL HEALTH.—With respect to dental health—

''(A) Native Hawaiian children exhibit among the highest rates of dental caries in the nation, and the highest in the State of Hawaii as compared to the 5 other major ethnic groups in the State;

''(B) the average number of decayed or filled primary teeth for Native Hawaiian children ages 5 through 9 years was 4.3 as compared with 3.7 for the entire State of Hawaii and 1.9 for the United States; and

''(C) the proportion of Native Hawaiian children ages 5 through 12 years with unmet treatment needs (defined as having active dental caries requiring treatment) is 40 percent as compared with 33 percent for all other races in the State of Hawaii.

''(5) LIFE EXPECTANCY.—With respect to life expectancy—

''(A) Native Hawaiians have the lowest life expectancy of all population groups in the State of Hawaii;

''(B) between 1910 and 1980, the life expectancy of Native Hawaiians from birth has ranged from 5 to 10 years less than that of the overall State population average; and

''(C) the most recent tables for 1990 show Native Hawaiian life expectancy at birth (74.27 years) to be about 5 years less than that of the total State population (78.85 years).

''(6) MATERNAL AND CHILD HEALTH.—

''(A) PRENATAL CARE.—With respect to prenatal care—

''(i) as of 1996, Native Hawaiian women have the highest prevalence (21 percent) of having had no prenatal care during their first trimester of pregnancy when compared to the 5 largest ethnic groups in the State of Hawaii;

''(ii) of the mothers in the State of Hawaii who received no prenatal care throughout their pregnancy in 1996, 44 percent were Native Hawaiian;

''(iii) over 65 percent of the referrals to Healthy Start in fiscal years 1996 and 1997 were Native Hawaiian newborns; and

''(iv) in every region of the State of Hawaii, many Native Hawaiian newborns begin life in a potentially hazardous circumstance, far higher than any other racial group.

''(B) BIRTHS.—With respect to births—

''(i) in 1996, 45 percent of the live births to Native Hawaiian mothers were infants born to single mothers which statistics indicate put infants at higher risk of low birth weight and infant mortality;

''(ii) in 1996, of the births to Native Hawaiian single mothers, 8 percent were low birth weight (under 2500 grams); and

''(iii) of all low birth weight babies born to single mothers in the State of Hawaii, 44 percent were Native Hawaiian.

''(C) TEEN PREGNANCIES.—With respect to births—

''(i) in 1993 and 1994, Native Hawaiians had the highest percentage of teen (individuals who were less than 18 years of age) births (8.1 percent) compared to the rate for all other races in the State of Hawaii (3.6 percent);

''(ii) in 1996, nearly 53 percent of all mothers in Hawaii under 18 years of age were Native Hawaiian;

''(iii) lower rates of abortion (a third lower than for the statewide population) among Hawaiian women may account in part, for the higher percentage of live births;

''(iv) in 1995, of the births to mothers age 14 years and younger in Hawaii, 66 percent were Native Hawaiian; and

''(v) in 1996, of the births in this same group, 48 percent were Native Hawaiian.

''(D) FETAL MORTALITY.—In 1996, Native Hawaiian fetal mortality rates comprised 15 percent of all fetal deaths for the State of Hawaii. However, for fetal deaths occurring in mothers under the age of 18 years, 32 percent were Native Hawaiian, and for mothers 18 through 24 years of age, 28 percent were Native Hawaiians.

''(7) MENTAL HEALTH.—

''(A) ALCOHOL AND DRUG ABUSE.—With respect to alcohol and drug abuse—

''(i) Native Hawaiians represent 38 percent of the total admissions to Department of Health, Alcohol, Drugs and Other Drugs, funded substance abuse treatment programs;

''(ii) in 1997, the prevalence of cigarette smoking by Native Hawaiians was 28.5 percent, a rate that is 53 percent higher than that for all other races in the State of Hawaii which is 18.6 percent;

''(iii) Native Hawaiians have the highest prevalence rates of acute alcohol drinking (31 percent), a rate that is 79 percent higher than that for all other races in the State of Hawaii;

''(iv) the chronic alcohol drinking rate among Native Hawaiians is 54 percent higher than that for all other races in the State of Hawaii;

''(v) in 1991, 40 percent of the Native Hawaiian adults surveyed reported having used marijuana compared with 30 percent for all other races in the State of Hawaii; and

''(vi) nine percent of the Native Hawaiian adults surveyed reported that they are current users (within the past year) of marijuana, compared with 6 percent for all other races in the State of Hawaii.

''(B) CRIME.—With respect to crime—

''(i) in 1996, of the 5,944 arrests that were made for property crimes in the State of Hawaii, arrests of Native Hawaiians comprised 20 percent of that total;

''(ii) Native Hawaiian juveniles comprised a third of all juvenile arrests in 1996;

''(iii) In 1996, Native Hawaiians represented 21 percent of the 8,000 adults arrested for violent crimes in the State of Hawaii, and 38 percent of the 4,066 juvenile arrests;

''(iv) Native Hawaiians are over-represented in the prison population in Hawaii;

''(v) in 1995 and 1996 Native Hawaiians comprised 36.5 percent of the sentenced felon prison population in Hawaii, as compared to 20.5 percent for Caucasian Americans, 3.7 percent for Japanese Americans, and 6 percent for Chinese Americans;

''(vi) in 1995 and 1996 Native Hawaiians made up 45.4 percent of the technical violator population, and at the Hawaii Youth Correctional Facility, Native Hawaiians constituted 51.6 percent of all detainees in fiscal year 1997; and

''(vii) based on anecdotal information from inmates at the Halawa Correction Facilities, Native Hawaiians are estimated to comprise between 60 and 70 percent of all inmates.

''(8) HEALTH PROFESSIONS EDUCATION AND TRAINING.—With respect to health professions education and training—

''(A) Native Hawaiians age 25 years and older have a comparable rate of high school completion, however, the rates of baccalaureate degree achievement amongst Native Hawaiians are less than the norm in the State of Hawaii (6.9 percent and 15.76 percent respectively);

''(B) Native Hawaiian physicians make up 4 percent of the total physician workforce in the State of Hawaii; and

''(C) in fiscal year 1997, Native Hawaiians comprised 8 percent of those individuals who earned Bachelor's Degrees, 14 percent of those individuals who earned professional diplomas, 6

percent of those individuals who earned Master's Degrees, and less than 1 percent of individuals who earned doctoral degrees at the University of Hawaii.

**"SEC. 3. DEFINITIONS.**

"In this Act:

"(1) DEPARTMENT.—The term 'department' means the Department of Health and Human Services.

"(2) DISEASE PREVENTION.—The term 'disease prevention' includes—

"(A) immunizations;

"(B) control of high blood pressure;

"(C) control of sexually transmittable diseases;

"(D) prevention and control of chronic diseases;

"(E) control of toxic agents;

"(F) occupational safety and health;

"(G) injury prevention;

"(H) fluoridation of water;

"(I) control of infectious agents; and

"(J) provision of mental health care.

"(3) HEALTH PROMOTION.—The term 'health promotion' includes—

"(A) pregnancy and infant care, including prevention of fetal alcohol syndrome;

"(B) cessation of tobacco smoking;

"(C) reduction in the misuse of alcohol and harmful illicit drugs;

"(D) improvement of nutrition;

"(E) improvement in physical fitness;

"(F) family planning;

"(G) control of stress;

"(H) reduction of major behavioral risk factors and promotion of healthy lifestyle practices; and

"(I) integration of cultural approaches to health and well-being, including traditional practices relating to the atmosphere (lewa lani), land ('aina), water (wai), and ocean (kai).

"(4) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is Kanaka Maoli (a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii) as evidenced by—

"(A) genealogical records,

"(B) kama'aina witness verification from Native Hawaiian Kupuna (elders); or

"(C) birth records of the State of Hawaii or any State or territory of the United States.

"(5) NATIVE HAWAIIAN HEALTH CARE SYSTEM.—The term 'Native Hawaiian health care system' means an entity—

"(A) which is organized under the laws of the State of Hawaii;

"(B) which provides or arranges for health care services through practitioners licensed by the State of Hawaii, where licensure requirements are applicable;

"(C) which is a public or nonprofit private entity;

"(D) in which Native Hawaiian health practitioners significantly participate in the planning, management, monitoring, and evaluation of health care services;

"(E) which may be composed of as many as 8 Native Hawaiian health care systems as necessary to meet the health care needs of each island's Native Hawaiians; and

"(F) which is—

"(i) recognized by Papa Ola Lokahi for the purpose of planning, conducting, or administering programs, or portions of programs, authorized by this chapter for the benefit of Native Hawaiians; and

"(ii) certified by Papa Ola Lokahi as having the qualifications and the capacity to provide the services and meet the requirements under the contract the Native Hawaiian health care system enters into with the Secretary or the grant the Native Hawaiian health care system receives from the Secretary pursuant to this Act.

"(6) NATIVE HAWAIIAN HEALTH CENTER.—The term 'Native Hawaiian Health Center' means any organization that is a primary care provider and that—

"(A) has a governing board that is composed of individuals, at least 50 percent of whom are Native Hawaiians;

"(B) has demonstrated cultural competency in a predominantly Native Hawaiian community;

"(C) serves a patient population that—

"(i) is made up of individuals at least 50 percent of whom are Native Hawaiian; or

"(ii) has not less than 2,500 Native Hawaiians as annual users of services; and

"(D) is recognized by Papa Ola Lokahi has having met all the criteria of this paragraph.

"(7) NATIVE HAWAIIAN HEALTH TASK FORCE.—The term 'Native Hawaiian Health Task Force' means a task force established by the State Council of Hawaiian Homestead Associations to implement health and wellness strategies in Native Hawaiian communities.

"(8) NATIVE HAWAIIAN ORGANIZATION.—The term 'Native Hawaiian organization' means any organization—

"(A) which serves the interests of Native Hawaiians; and

"(B) which is—

"(i) recognized by Papa Ola Lokahi for the purpose of planning, conducting, or administering programs (or portions of programs) authorized under this Act for the benefit of Native Hawaiians; and

"(ii) a public or nonprofit private entity.

"(9) OFFICE OF HAWAIIAN AFFAIRS.—The terms 'Office of Hawaiian Affairs' and 'OHA' mean the governmental entity established under Article XII, sections 5 and 6 of the Hawaii State Constitution and charged with the responsibility to formulate policy relating to the affairs of Native Hawaiians.

"(10) PAPA OLA LOKAHI.—

"(A) IN GENERAL.—The term 'Papa Ola Lokahi' means an organization that is composed of public agencies and private organizations focusing on improving the health status of Native Hawaiians. Board members of such organization may include representation from—

"(i) E Ola Mau;

"(ii) the Office of Hawaiian Affairs of the State of Hawaii;

"(iii) Alu Like, Inc.;

"(iv) the University of Hawaii;

"(v) the Hawaii State Department of Health;

"(vi) the Kamehameha Schools, or other Native Hawaiian organization responsible for the administration of the Native Hawaiian Health Scholarship Program;

"(vii) the Hawaii State Primary Care Association, or Native Hawaiian Health Centers whose patient populations are predominantly Native Hawaiian;

"(viii) Ahahui O Na Kauka, the Native Hawaiian Physicians Association;

"(ix) Ho'ola Lahui Hawaii, or a health care system serving the islands of Kaua'i or Ni'ihau, and which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of those islands;

"(x) Ke Ola Mamo, or a health care system serving the island of O'ahu and which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island;

"(xi) Na Pu'uwai or a health care system serving the islands of Moloka'i or Lana'i, and which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of those islands;

"(xii) Hui No Ke Ola Pono, or a health care system serving the island of Maui, and which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island;

"(xiii) Hui Malama Ola Na 'Oiwi, or a health care system serving the island of Hawaii, and which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island;

"(xiv) other Native Hawaiian health care systems as certified and recognized by Papa Ola Lokahi in accordance with this Act; and

"(xv) such other member organizations as the Board of Papa Ola Lokahi will admit from time to time, based upon satisfactory demonstration of a record of contribution to the health and well-being of Native Hawaiians.

"(B) LIMITATION.—Such term does not include any organization described in subparagraph (A) if the Secretary determines that such organization has not developed a mission statement with clearly defined goals and objectives for the contributions the organization will make to the Native Hawaiian health care systems, the national policy as set forth in section 4, and an action plan for carrying out those goals and objectives.

"(11) PRIMARY HEALTH SERVICES.—The term 'primary health services' means—

"(A) services of physicians, physicians' assistants, nurse practitioners, and other health professionals;

"(B) diagnostic laboratory and radiologic services;

"(C) preventive health services including perinatal services, well child services, family planning services, nutrition services, home health services, and, generally, all those services associated with enhanced health and wellness.

"(D) emergency medical services;

"(E) transportation services as required for adequate patient care;

"(F) preventive dental services;

"(G) pharmaceutical and medicament services;

"(H) primary care services that may lead to specialty or tertiary care; and

"(I) complimentary healing practices, including those performed by traditional Native Hawaiian healers.

"(12) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"(13) TRADITIONAL NATIVE HAWAIIAN HEALER.—The term 'traditional Native Hawaiian healer' means a practitioner—

"(A) who—

"(i) is of Native Hawaiian ancestry; and

"(ii) has the knowledge, skills, and experience in direct personal health care of individuals; and

"(B) whose knowledge, skills, and experience are based on demonstrated learning of Native Hawaiian healing practices acquired by—

"(i) direct practical association with Native Hawaiian elders; and

"(ii) oral traditions transmitted from generation to generation.

**"SEC. 4. DECLARATION OF NATIONAL NATIVE HAWAIIAN HEALTH POLICY.**

"(a) CONGRESS.—Congress hereby declares that it is the policy of the United States in fulfillment of its special responsibilities and legal obligations to the indigenous peoples of Hawaii resulting from the unique and historical relationship between the United States and the indigenous peoples of Hawaii—

"(1) to raise the health status of Native Hawaiians to the highest possible health level; and

"(2) to provide existing Native Hawaiian health care programs with all resources necessary to effectuate this policy.

"(b) INTENT OF CONGRESS.—It is the intent of the Congress that—

"(1) health care programs having a demonstrated effect of substantially reducing or eliminating the over-representation of Native Hawaiians among those suffering from chronic and acute disease and illness and addressing the health needs, including perinatal, early child development, and family-based health education, of Native Hawaiians shall be established and implemented; and

"(2) the Nation raise the health status of Native Hawaiians by the year 2010 to at least the levels set forth in the goals contained within Healthy People 2010 or successor standards and to incorporate within health programs, activities defined and identified by Kanaka Maoli which may include—

"(A) incorporating and supporting the integration of cultural approaches to health and well-being, including programs using traditional

*practices relating to the atmosphere (lewa lani), land ('aina), water (wai), or ocean (kai);*

*''(B) increasing the number of health and allied-health care providers who are trained to provide culturally competent care to Native Hawaiians;*

*''(C) increasing the use of traditional Native Hawaiian foods in peoples' diets and dietary preferences including those of students and the use of these traditional foods in school feeding programs;*

*''(D) identifying and instituting Native Hawaiian cultural values and practices within the 'corporate cultures' of organizations and agencies providing health services to Native Hawaiians;*

*''(E) facilitating the provision of Native Hawaiian healing practices by Native Hawaiian healers for those clients desiring such assistance; and*

*''(F) supporting training and education activities and programs in traditional Native Hawaiian healing practices by Native Hawaiian healers.*

*''(c) REPORT.—The Secretary shall submit to the President, for inclusion in each report required to be transmitted to Congress under section 12, a report on the progress made towards meeting the National policy as set forth in this section.*

***''SEC. 5. COMPREHENSIVE HEALTH CARE MASTER PLAN FOR NATIVE HAWAIIANS.***

*''(a) DEVELOPMENT.—*

*''(1) IN GENERAL.—The Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi for the purpose of coordinating, implementing and updating a Native Hawaiian comprehensive health care master plan designed to promote comprehensive health promotion and disease prevention services and to maintain and improve the health status of Native Hawaiians, and to support community-based initiatives that are reflective of holistic approaches to health.*

*''(2) CONSULTATION.—*

*''(A) IN GENERAL.—Papa Ola Lokahi and the Office of Hawaiian Affairs shall consult with the Native Hawaiian health care systems, Native Hawaiian health centers, and the Native Hawaiian community in carrying out this section.*

*''(B) MEMORANDA OF UNDERSTANDING.—Papa Ola Lokahi and the Office of Hawaiian Affairs may enter into memoranda of understanding or agreement for the purposes of acquiring joint funding and for other issues as may be necessary to accomplish the objectives of this section.*

*''(3) HEALTH CARE FINANCING STUDY REPORT.—Not later than 18 months after the date of enactment of this Act, Papa Ola Lokahi in cooperation with the Office of Hawaiian Affairs and other appropriate agencies of the State of Hawaii, including the Department of Health and the Department of Human Services and the Native Hawaiian health care systems and Native Hawaiian health centers, shall submit to Congress a report detailing the impact of current Federal and State health care financing mechanisms and policies on the health and well-being of Native Hawaiians. Such report shall include—*

*''(A) information concerning the impact of cultural competency, risk assessment data, eligibility requirements and exemptions, and reimbursement policies and capitation rates currently in effect for service providers;*

*''(B) any other such information as may be important to improving the health status of Native Hawaiians as such information relates to health care financing including barriers to health care; and*

*''(C) the recommendations for submission to the Secretary for review and consultation with Native Hawaiians.*

*''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out subsection (a).*

***''SEC. 6. FUNCTIONS OF PAPA OLA LOKAHI AND OFFICE OF HAWAIIAN AFFAIRS.***

*''(a) RESPONSIBILITY.—Papa Ola Lokahi shall be responsible for the—*

*''(1) coordination, implementation, and updating, as appropriate, of the comprehensive health care master plan developed pursuant to section 5;*

*''(2) training for the persons described in subparagraphs (B) and (C) of section 7(c)(1);*

*''(3) identification of and research into the diseases that are most prevalent among Native Hawaiians, including behavioral, biomedical, epidemiological, and health services;*

*''(4) development and maintenance of an institutional review board for all research projects involving all aspects of Native Hawaiian health, including behavioral, biomedical, epidemiological, and health services studies; and*

*''(5) the maintenance of an action plan outlining the contributions that each member organization of Papa Ola Lokahi will make in carrying out the policy of this Act.*

*''(b) SPECIAL PROJECT FUNDS.—Papa Ola Lokahi may receive special project funds that may be appropriated for the purpose of research on the health status of Native Hawaiians or for the purpose of addressing the health care needs of Native Hawaiians.*

*''(c) CLEARINGHOUSE.—*

*''(1) IN GENERAL.—Papa Ola Lokahi shall serve as a clearinghouse for—*

*''(A) the collection and maintenance of data associated with the health status of Native Hawaiians;*

*''(B) the identification and research into diseases affecting Native Hawaiians;*

*''(C) the availability of Native Hawaiian project funds, research projects and publications;*

*''(D) the collaboration of research in the area of Native Hawaiian health; and*

*''(E) the timely dissemination of information pertinent to the Native Hawaiian health care systems.*

*''(2) CONSULTATION.—The Secretary shall provide Papa Ola Lokahi and the Office of Hawaiian Affairs, at least once annually, an accounting of funds and services provided to States and to nonprofit groups and organizations from the Department for the purposes set forth in section 4. Such accounting shall include—*

*''(A) the amount of funds expended explicitly for and benefiting Native Hawaiians;*

*''(B) the number of Native Hawaiians impacted by these funds;*

*''(C) the identification of collaborations made with Native Hawaiian groups and organizations in the expenditure of these funds; and*

*''(D) the amount of funds used for Federal administrative purposes and for the provision of direct services to Native Hawaiians.*

*''(d) FISCAL ALLOCATION AND COORDINATION OF PROGRAMS AND SERVICES.—*

*''(1) RECOMMENDATIONS.—Papa Ola Lokahi shall provide annual recommendations to the Secretary with respect to the allocation of all amounts appropriated under this Act.*

*''(2) COORDINATION.—Papa Ola Lokahi shall, to the maximum extent possible, coordinate and assist the health care programs and services provided to Native Hawaiians.*

*''(3) REPRESENTATION ON COMMISSION.—The Secretary, in consultation with Papa Ola Lokahi, shall make recommendations for Native Hawaiian representation on the President's Advisory Commission on Asian Americans and Pacific Islanders.*

*''(e) TECHNICAL SUPPORT.—Papa Ola Lokahi may act as a statewide infrastructure to provide technical support and coordination of training and technical assistance to the Native Hawaiian health care systems and to Native Hawaiian health centers.*

*''(f) RELATIONSHIPS WITH OTHER AGENCIES.—*

*''(1) AUTHORITY.—Papa Ola Lokahi may enter into agreements or memoranda of understanding with relevant institutions, agencies or organizations that are capable of providing health-related resources or services to Native Hawaiians and the Native Hawaiian health care systems or of providing resources or services for the implementation of the National policy as set forth in section 4.*

*''(2) HEALTH CARE FINANCING.—*

*''(A) FEDERAL CONSULTATION.—Federal agencies providing health care financing and carrying out health care programs, including the Health Care Financing Administration, shall consult with Native Hawaiians and organizations providing health care services to Native Hawaiians prior to the adoption of any policy or regulation that may impact on the provision of services or health insurance coverage. Such consultation shall include the identification of the impact of any proposed policy, rule, or regulation.*

*''(B) STATE CONSULTATION.—The State of Hawaii shall engage in meaningful consultation with Native Hawaiians and organizations providing health care services to Native Hawaiians in the State of Hawaii prior to making any changes or initiating new programs.*

*''(C) CONSULTATION ON FEDERAL HEALTH INSURANCE PROGRAMS.*

*''(i) IN GENERAL.—The Office of Hawaiian Affairs, in collaboration with Papa Ola Lokahi, may develop consultative, contractual or other arrangements, including memoranda of understanding or agreement, with—*

*''(I) the Health Care Financing Administration;*

*''(II) the agency of the State of Hawaii that administers or supervises the administration of the State plan or waiver approved under title XVIII, XIX, or XXI of the Social Security Act for the payment of all or a part of the health care services provided to Native Hawaiians who are eligible for medical assistance under the State plan or waiver; or*

*''(III) any other Federal agency or agencies providing full or partial health insurance to Native Hawaiians.*

*''(ii) CONTENTS OF ARRANGEMENTS.—Arrangements under clause (i) may address—*

*''(I) appropriate reimbursement for health care services including capitation rates and fee-for-service rates for Native Hawaiians who are entitled to or eligible for insurance;*

*''(II) the scope of services; or*

*''(III) other matters that would enable Native Hawaiians to maximize health insurance benefits provided by Federal and State health insurance programs.*

*''(3) TRADITIONAL HEALERS.—The provision of health services under any program operated by the Department or another Federal agency including the Department of Veterans Affairs, may include the services of 'traditional Native Hawaiian healers' as defined in this Act or 'traditional healers' providing 'traditional health care practices' as defined in section 4(r) of Public Law 94–437. Such services shall be exempt from national accreditation reviews, including reviews conducted by the Joint Accreditation Commission on Health Organizations and the Rehabilitation Accreditation Commission.*

***''SEC. 7. NATIVE HAWAIIAN HEALTH CARE.***

*''(a) COMPREHENSIVE HEALTH PROMOTION, DISEASE PREVENTION, AND PRIMARY HEALTH SERVICES.—*

*''(1) GRANTS AND CONTRACTS.—The Secretary, in consultation with Papa Ola Lokahi, may make grants to, or enter into contracts with, any qualified entity for the purpose of providing comprehensive health promotion and disease prevention services, as well as primary health services, to Native Hawaiians who desire and are committed to bettering their own health.*

*''(2) PREFERENCE.—In making grants and entering into contracts under this subsection, the Secretary shall give preference to Native Hawaiian health care systems and Native Hawaiian organizations and, to the extent feasible, health promotion and disease prevention services shall*

be performed through Native Hawaiian health care systems.

''(3) QUALIFIED ENTITY.—An entity is a qualified entity for purposes of paragraph (1) if the entity is a Native Hawaiian health care system or a Native Hawaiian Center.

''(4) LIMITATION ON NUMBER OF ENTITIES.—The Secretary may make a grant to, or enter into a contract with, not more than 8 Native Hawaiian health care systems under this subsection during any fiscal year.

''(b) PLANNING GRANT OR CONTRACT.—In addition to grants and contracts under subsection (a), the Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi for the purpose of planning Native Hawaiian health care systems to serve the health needs of Native Hawaiian communities on each of the islands of O'ahu, Moloka'i, Maui, Hawai'i, Lana'i, Kaua'i, and Ni'ihau in the State of Hawaii.

''(c) SERVICES TO BE PROVIDED.—

''(1) IN GENERAL.—Each recipient of funds under subsection (a) shall ensure that the following services either are provided or arranged for:

''(A) Outreach services to inform Native Hawaiians of the availability of health services.

''(B) Education in health promotion and disease prevention of the Native Hawaiian population by, wherever possible, Native Hawaiian health care practitioners, community outreach workers, counselors, and cultural educators.

''(C) Services of physicians, physicians' assistants, nurse practitioners or other health and allied-health professionals.

''(D) Immunizations.

''(E) Prevention and control of diabetes, high blood pressure, and otitis media.

''(F) Pregnancy and infant care.

''(G) Improvement of nutrition.

''(H) Identification, treatment, control, and reduction of the incidence of preventable illnesses and conditions endemic to Native Hawaiians.

''(I) Collection of data related to the prevention of diseases and illnesses among Native Hawaiians.

''(J) Services within the meaning of the terms 'health promotion', 'disease prevention', and 'primary health services', as such terms are defined in section 3, which are not specifically referred to in subsection (a).

''(K) Support of culturally appropriate activities enhancing health and wellness including land-based, water-based, ocean-based, and spiritually-based projects and programs.

''(2) TRADITIONAL HEALERS.—The health care services referred to in paragraph (1) which are provided under grants or contracts under subsection (a) may be provided by traditional Native Hawaiian healers.

''(d) FEDERAL TORT CLAIMS ACT.—Individuals who provide medical, dental, or other services referred to in subsection (a)(1) for Native Hawaiian health care systems, including providers of traditional Native Hawaiian healing services, shall be treated as if such individuals were members of the Public Health Service and shall be covered under the provisions of section 224 of the Public Health Service Act.

''(e) SITE FOR OTHER FEDERAL PAYMENTS.—A Native Hawaiian health care system that receives funds under subsection (a) shall provide a designated area and appropriate staff to serve as a Federal loan repayment facility. Such facility shall be designed to enable health and allied-health professionals to remit payments with respect to loans provided to such professionals under any Federal loan program.

''(f) RESTRICTION ON USE OF GRANT AND CONTRACT FUNDS.—The Secretary may not make a grant to, or enter into a contract with, an entity under subsection (a) unless the entity agrees that amounts received under such grant or contract will not, directly or through contract, be expended—

''(1) for any services other than the services described in subsection (c)(1); or

''(2) to purchase or improve real property (other than minor remodeling of existing improvements to real property) or to purchase major medical equipment.

''(g) LIMITATION ON CHARGES FOR SERVICES.—The Secretary may not make a grant to, or enter into a contract with, an entity under subsection (a) unless the entity agrees that, whether health services are provided directly or through contract—

''(1) health services under the grant or contract will be provided without regard to ability to pay for the health services; and

''(2) the entity will impose a charge for the delivery of health services, and such charge—

''(A) will be made according to a schedule of charges that is made available to the public; and

''(B) will be adjusted to reflect the income of the individual involved.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) GENERAL GRANTS.—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2001 through 2011 to carry out subsection (a).

''(2) PLANNING GRANTS.—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2001 through 2011 to carry out subsection (b).

**''SEC. 8. ADMINISTRATIVE GRANT FOR PAPA OLA LOKAHI.**

''(a) IN GENERAL.—In addition to any other grant or contract under this Act, the Secretary may make grants to, or enter into contracts with, Papa Ola Lokahi for—

''(1) coordination, implementation, and updating (as appropriate) of the comprehensive health care master plan developed pursuant to section 5;

''(2) training for the persons described section 7(c)(1);

''(3) identification of and research into the diseases that are most prevalent among Native Hawaiians, including behavioral, biomedical, epidemiologic, and health services;

''(4) the maintenance of an action plan outlining the contributions that each member organization of Papa Ola Lokahi will make in carrying out the policy of this Act;

''(5) a clearinghouse function for—

''(A) the collection and maintenance of data associated with the health status of Native Hawaiians;

''(B) the identification and research into diseases affecting Native Hawaiians; and

''(C) the availability of Native Hawaiian project funds, research projects and publications;

''(6) the establishment and maintenance of an institutional review board for all health-related research involving Native Hawaiians;

''(7) the coordination of the health care programs and services provided to Native Hawaiians; and

''(8) the administration of special project funds.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2001 through 2011 to carry out subsection (a).

**''SEC. 9. ADMINISTRATION OF GRANTS AND CONTRACTS.**

''(a) TERMS AND CONDITIONS.—The Secretary shall include in any grant made or contract entered into under this Act such terms and conditions as the Secretary considers necessary or appropriate to ensure that the objectives of such grant or contract are achieved.

''(b) PERIODIC REVIEW.—The Secretary shall periodically evaluate the performance of, and compliance with, grants and contracts under this Act.

''(c) ADMINISTRATIVE REQUIREMENTS.—The Secretary may not make a grant or enter into a contract under this Act with an entity unless the entity—

''(1) agrees to establish such procedures for fiscal control and fund accounting as may be necessary to ensure proper disbursement and accounting with respect to the grant or contract;

''(2) agrees to ensure the confidentiality of records maintained on individuals receiving health services under the grant or contract;

''(3) with respect to providing health services to any population of Native Hawaiians, a substantial portion of which has a limited ability to speak the English language—

''(A) has developed and has the ability to carry out a reasonable plan to provide health services under the grant or contract through individuals who are able to communicate with the population involved in the language and cultural context that is most appropriate; and

''(B) has designated at least 1 individual, fluent in both English and the appropriate language, to assist in carrying out the plan;

''(4) with respect to health services that are covered under programs under titles XVIII, XIX, or XXI of the Social Security Act, including any State plan, or under any other Federal health insurance plan—

''(A) if the entity will provide under the grant or contract any such health services directly—

''(i) the entity has entered into a participation agreement under such plans; and

''(ii) the entity is qualified to receive payments under such plan; and

''(B) if the entity will provide under the grant or contract any such health services through a contract with an organization—

''(i) the organization has entered into a participation agreement under such plan; and

''(ii) the organization is qualified to receive payments under such plan; and

''(5) agrees to submit to the Secretary and to Papa Ola Lokahi an annual report that describes the use and costs of health services provided under the grant or contract (including the average cost of health services per user) and that provides such other information as the Secretary determines to be appropriate.

''(d) CONTRACT EVALUATION.—

''(1) DETERMINATION OF NONCOMPLIANCE.—If, as a result of evaluations conducted by the Secretary, the Secretary determines that an entity has not complied with or satisfactorily performed a contract entered into under section 7, the Secretary shall, prior to renewing such contract, attempt to resolve the areas of noncompliance or unsatisfactory performance and modify such contract to prevent future occurrences of such noncompliance or unsatisfactory performance.

''(2) NONRENEWAL.—If the Secretary determines that the noncompliance or unsatisfactory performance described in paragraph (1) with respect to an entity cannot be resolved and prevented in the future, the Secretary shall not renew the contract with such entity and may enter into a contract under section 7 with another entity referred to in subsection (a)(3) of such section that provides services to the same population of Native Hawaiians which is served by the entity whose contract is not renewed by reason of this paragraph.

''(3) CONSIDERATION OF RESULTS.—In determining whether to renew a contract entered into with an entity under this Act, the Secretary shall consider the results of the evaluations conducted under this section.

''(4) APPLICATION OF FEDERAL LAWS.—All contracts entered into by the Secretary under this Act shall be in accordance with all Federal contracting laws and regulations, except that, in the discretion of the Secretary, such contracts may be negotiated without advertising and may be exempted from the provisions of the Act of August 24, 1935 (40 U.S.C. 270a et seq.).

''(5) PAYMENTS.—Payments made under any contract entered into under this Act may be made in advance, by means of reimbursement, or in installments and shall be made on such conditions as the Secretary deems necessary to carry out the purposes of this Act.

''(e) REPORT.—

''(1) IN GENERAL.—For each fiscal year during which an entity receives or expends funds pursuant to a grant or contract under this Act, such entity shall submit to the Secretary and to Papa Ola Lokahi an annual report—

''(A) on the activities conducted by the entity under the grant or contract;

''(B) on the amounts and purposes for which Federal funds were expended; and

''(C) containing such other information as the Secretary may request.

''(2) AUDITS.—The reports and records of any entity concerning any grant or contract under this Act shall be subject to audit by the Secretary, the Inspector General of the Department of Health and Human Services, and the Comptroller General of the United States.

''(f) ANNUAL PRIVATE AUDIT.—The Secretary shall allow as a cost of any grant made or contract entered into under this Act the cost of an annual private audit conducted by a certified public accountant.

**''SEC. 10. ASSIGNMENT OF PERSONNEL.**

''(a) IN GENERAL.—The Secretary may enter into an agreement with any entity under which the Secretary may assign personnel of the Department of Health and Human Services with expertise identified by such entity to such entity on detail for the purposes of providing comprehensive health promotion and disease prevention services to Native Hawaiians.

''(b) APPLICABLE FEDERAL PERSONNEL PROVISIONS.—Any assignment of personnel made by the Secretary under any agreement entered into under subsection (a) shall be treated as an assignment of Federal personnel to a local government that is made in accordance with subchapter VI of chapter 33 of title 5, United States Code.

**''SEC. 11. NATIVE HAWAIIAN HEALTH SCHOLARSHIPS AND FELLOWSHIPS.**

''(a) ELIGIBILITY.—Subject to the availability of amounts appropriated under subsection (c), the Secretary shall provide funds through a direct grant or a cooperative agreement to Kamehameha Schools or another Native Hawaiian organization or health care organization with experience in the administration of educational scholarships or placement services for the purpose of providing scholarship assistance to students who—

''(1) meet the requirements of section 338A of the Public Health Service Act, except for assistance as provided for under subsection (b)(2); and

''(2) are Native Hawaiians.

''(b) PRIORITY.—A priority for scholarships under subsection (a) may be provided to employees of the Native Hawaiian Health Care Systems and the Native Hawaiian Health Centers.

''(c) TERMS AND CONDITIONS.—

''(1) IN GENERAL.—The scholarship assistance under subsection (a) shall be provided under the same terms and subject to the same conditions, regulations, and rules as apply to scholarship assistance provided under section 338A of the Public Health Service Act (except as provided for in paragraph (2)), except that—

''(A) the provision of scholarships in each type of health care profession training shall correspond to the need for each type of health care professional to serve the Native Hawaiian community as identified by Papa Ola Lokahi;

''(B) to the maximum extent practicable, the Secretary shall select scholarship recipients from a list of eligible applicants submitted by the Kamehameha Schools or the Native Hawaiian organization administering the program;

''(C) the obligated service requirement for each scholarship recipient (except for those receiving assistance under paragraph (2)) shall be fulfilled through service, in order of priority, in—

''(i) any one of the Native Hawaiian health care systems or Native Hawaiian health centers;

''(ii) health professions shortage areas, medically underserved areas, or geographic areas or facilities similarly designated by the United States Public Health Service in the State of Hawaii; or

''(iii) a geographical area, facility, or organization that serves a significant Native Hawaiian population;

''(D) the scholarship's placement service shall assign Native Hawaiian scholarship recipients to appropriate sites for service.

''(E) the provision of counseling, retention and other support services shall not be limited to scholarship recipients, but shall also include recipients of other scholarship and financial aid programs enrolled in appropriate health professions training programs.

''(F) financial assistance may be provided to scholarship recipients in those health professions designated in such section 338A of the Public Health Service Act while they are fulfilling their service requirement in any one of the Native Hawaiian health care systems or community health centers.

''(2) FELLOWSHIPS.—Financial assistance through fellowships may be provided to Native Hawaiian community health representatives, outreach workers, and health program administrators in professional training programs, and to Native Hawaiians in certificated programs provided by traditional Native Hawaiian healers in any of the traditional Native Hawaiian healing practices including lomi-lomi, la'au lapa'au, and ho'oponopono. Such assistance may include a stipend or reimbursement for costs associated with participation in the program.

''(3) RIGHTS AND BENEFITS.—Scholarship recipients in health professions designated in section 338A of the Public Health Service Act while fulfilling their service requirements shall have all the same rights and benefits of members of the National Health Service Corps during their period of service.

''(4) NO INCLUSION OF ASSISTANCE IN GROSS INCOME.—Financial assistance provided under section 11 shall be deemed 'Qualified Scholarships' for purposes of the section amended by section 123(a) of Public Law 99–514, as amended.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2001 through 2011 for the purpose of funding the scholarship assistance program under subsection (a) and fellowship assistance under subsection (c)(2).

**''SEC. 12. REPORT.**

''The President shall, at the time the budget is submitted under section 1105 of title 31, United States Code, for each fiscal year transmit to Congress a report on the progress made in meeting the objectives of this Act, including a review of programs established or assisted pursuant to this Act and an assessment and recommendations of additional programs or additional assistance necessary to, at a minimum, provide health services to Native Hawaiians, and ensure a health status for Native Hawaiians, which are at a parity with the health services available to, and the health status of, the general population.

**''SEC. 13. USE OF FEDERAL GOVERNMENT FACILITIES AND SOURCES OF SUPPLY.**

''(a) IN GENERAL.—The Secretary shall permit organizations that receive contracts or grants under this Act, in carrying out such contracts or grants, to use existing facilities and all equipment therein or under the jurisdiction of the Secretary under such terms and conditions as may be agreed upon for the use and maintenance of such facilities or equipment.

''(b) DONATION OF PROPERTY.—The Secretary may donate to organizations that receive contracts or grants under this Act any personal or real property determined to be in excess of the needs of the Department or the General Services Administration for purposes of carrying out such contracts or grants.

''(c) ACQUISITION OF SURPLUS PROPERTY.—The Secretary may acquire excess or surplus Federal Government personal or real property for donation to organizations that receive contracts or grants under this Act if the Secretary determines that the property is appropriate for the use by the organization for the purpose for which a contract or grant is authorized under this Act.

**''SEC. 14. DEMONSTRATION PROJECTS OF NATIONAL SIGNIFICANCE.**

''(a) AUTHORITY AND AREAS OF INTEREST.—The Secretary, in consultation with Papa Ola Lokahi, may allocate amounts appropriated under this Act, or any other Act, to carry out Native Hawaiian demonstration projects of national significance. The areas of interest of such projects may include—

''(1) the development of a centralized database and information system relating to the health care status, health care needs, and wellness of Native Hawaiians;

''(2) the education of health professionals, and other individuals in institutions of higher learning, in health and allied health programs in healing practices, including Native Hawaiian healing practices;

''(3) the integration of Western medicine with complementary healing practices including traditional Native Hawaiian healing practices;

''(4) the use of tele-wellness and telecommunications in chronic disease management and health promotion and disease prevention;

''(5) the development of appropriate models of health care for Native Hawaiians and other indigenous peoples including the provision of culturally competent health services, related activities focusing on wellness concepts, the development of appropriate kupuna care programs, and the development of financial mechanisms and collaborative relationships leading to universal access to health care; and

''(6) the establishment of a Native Hawaiian Center of Excellence for Nursing at the University of Hawaii at Hilo, a Native Hawaiian Center of Excellence for Mental Health at the University of Hawaii at Manoa, a Native Hawaiian Center of Excellence for Maternal Health and Nutrition at the Waimanalo Health Center, and a Native Hawaiian Center of Excellence for Research, Training, Integrated Medicine at Molokai General Hospital and a Native Hawaiian Center of Excellence for Complimentary Health and Health Education and Training at the Waianae Coast Comprehensive Health Center.

''(b) NONREDUCTION IN OTHER FUNDING.—The allocation of funds for demonstration projects under subsection (a) shall not result in a reduction in funds required by the Native Hawaiian health care systems, the Native Hawaiian Health Centers, the Native Hawaiian Health Scholarship Program, or Papa Ola Lokahi to carry out their respective responsibilities under this Act.

**''SEC. 15. NATIONAL BIPARTISAN COMMISSION ON NATIVE HAWAIIAN HEALTH CARE ENTITLEMENT.**

''(a) ESTABLISHMENT.—There is hereby established a National Bipartisan Native Hawaiian Health Care Entitlement Commission (referred to in this Act as the 'Commission').

''(b) MEMBERSHIP.—The Commission shall be composed of 21 members to be appointed as follows:

''(1) CONGRESSIONAL MEMBERS.—

''(A) APPOINTMENT.—Eight members of the Commission shall be members of Congress, of which—

''(i) two members shall be from the House of Representatives and shall be appointed by the Majority Leader;

''(ii) two members shall be from the House of Representatives and shall be appointed by the Minority Leader;

''(iii) two members shall be from the Senate and shall be appointed by the Majority Leader; and

''(iv) two members shall be from the Senate and shall be appointed by the Minority Leader.

''(B) RELEVANT COMMITTEE MEMBERSHIP.—The members of the Commission appointed under subparagraph (A) shall each be members of the committees of Congress that consider legislation affecting the provision of health care to Native Hawaiians and other Native Americans.

''(C) CHAIRPERSON.—The members of the Commission appointed under subparagraph (A) shall elect the chairperson and vice-chairperson of the Commission.

''(2) HAWAIIAN HEALTH MEMBERS.—Eleven members of the Commission shall be appointed by Hawaiian health entities, of which—

''(A) five members shall be appointed by the Native Hawaiian Health Care Systems;

''(B) one member shall be appointed by the Hawaii State Primary Care Association;

''(C) one member shall be appointed by Papa Ola Lokahi;

''(D) one member shall be appointed by the Native Hawaiian Health Task Force;

''(E) one member shall be appointed by the Office of Hawaiian Affairs; and

''(F) two members shall be appointed by the Association of Hawaiian Civic Clubs and shall represent Native Hawaiian populations residing in the continental United States.

''(3) SECRETARIAL MEMBERS.—Two members of the Commission shall be appointed by the Secretary and shall possess knowledge of Native Hawaiian health concerns and wellness.

''(c) TERMS.—

''(1) IN GENERAL.—The members of the Commission shall serve for the life of the Commission.

''(2) INITIAL APPOINTMENT OF MEMBERS.—The members of the Commission shall be appointed under subsection (b)(1) not later than 90 days after the date of enactment of this Act, and the remaining members of the Commission shall be appointed not later than 60 days after the date on which the members are appointed under such subsection (b)(1).

''(3) VACANCIES.—A vacancy in the membership of the Commission shall be filled in the manner in which the original appointment was made.

''(d) DUTIES OF THE COMMISSION.—The Commission shall carry out the following duties and functions:

''(1) Review and analyze the recommendations of the report of the study committee established under paragraph (3).

''(2) Make recommendations to Congress for the provision of health services to Native Hawaiian individuals as an entitlement, giving due regard to the effects of a program on existing health care delivery systems for Native Hawaiians and the effect of such programs on self-determination and the reconciliation of their relationship with the United States.

''(3) Establish a study committee to be composed of at least 10 members from the Commission, including 4 members of the members appointed under subsection (b)(1), 5 of the members appointed under subsection (b)(2), and 1 of the members appointed by the Secretary under subsection (b)(3), which shall—

''(A) to the extent necessary to carry out its duties, collect, compile, qualify, and analyze data necessary to understand the extent of Native Hawaiian needs with regard to the provision of health services, including holding hearings and soliciting the views of Native Hawaiians and Native Hawaiian organizations, and which may include authorizing and funding feasibility studies of various models for all Native Hawaiian beneficiaries and their families, including those that live in the continental United States;

''(B) make recommendations to the Commission for legislation that will provide for the culturally-competent and appropriate provision of health services for Native Hawaiians as an entitlement, which shall, at a minimum, address issues of eligibility and benefits to be provided, including recommendations regarding from whom such health services are to be provided and the cost and mechanisms for funding of the health services to be provided;

''(C) determine the effect of the enactment of such recommendations on the existing system of delivery of health services for Native Hawaiians;

''(D) determine the effect of a health service entitlement program for Native Hawaiian individuals on their self-determination and the reconciliation of their relationship with the United States;

''(E) not later than 12 months after the date of the appointment of all members of the Commission, make a written report of its findings and recommendations to the Commission, which report shall include a statement of the minority and majority position of the committee and which shall be disseminated, at a minimum, to Native Hawaiian organizations and agencies and health organizations referred to in subsection (b)(2) for comment to the Commission; and

''(F) report regularly to the full Commission regarding the findings and recommendations developed by the committee in the course of carrying out its duties under this section.

''(4) Not later than 18 months after the date of the appointment of all members of the Commission, submit a written report to Congress containing a recommendation of policies and legislation to implement a policy that would establish a health care system for Native Hawaiians, grounded in their culture, and based on the delivery of health services as an entitlement, together with a determination of the implications of such an entitlement system on existing health care delivery systems for Native Hawaiians and their self-determination and the reconciliation of their relationship with the United States.

''(e) ADMINISTRATIVE PROVISIONS.—

''(1) COMPENSATION AND EXPENSES.—

''(A) CONGRESSIONAL MEMBERS.—Each member of the Commission appointed under subsection (b)(1) shall not receive any additional compensation, allowances, or benefits by reason of their service on the Commission. Such members shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

''(B) OTHER MEMBERS.—The members of the Commission appointed under paragraphs (2) and (3) of subsection (b) shall, while serving on the business of the Commission (including travel time), receive compensation at the per diem equivalent of the rate provided for individuals under level IV of the Executive Schedule under section 5315 of title 5, United States Code, and while serving away from their home or regular place of business, be allowed travel expenses, as authorized by the chairperson of the Commission.

''(C) OTHER PERSONNEL.—For purposes of compensation (other than compensation of the members of the Commission) and employment benefits, rights, and privileges, all personnel of the Commission shall be treated as if they were employees of the Senate.

''(2) MEETINGS AND QUORUM.—

''(A) MEETINGS.—The Commission shall meet at the call of the chairperson.

''(B) QUORUM.—A quorum of the Commission shall consist of not less than 12 members, of which—

''(i) not less than 4 of such members shall be appointees under subsection (b)(1);

''(ii) not less than 7 of such members shall be appointees under subsection (b)(2); and

''(iii) not less than 1 of such members shall be an appointee under subsection (b)(3).

''(3) DIRECTOR AND STAFF.—

''(A) EXECUTIVE DIRECTOR.—The members of the Commission shall appoint an executive director of the Commission. The executive director shall be paid the rate of basic pay equal to that under level V of the Executive Schedule under section 5316 of title 5, United States Code.

''(B) STAFF.—With the approval of the Commission, the executive director may appoint such personnel as the executive director deems appropriate.

''(C) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates).

''(D) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the executive director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

''(E) FACILITIES.—The Administrator of the General Services Administration shall locate suitable office space for the operations of the Commission in Washington, D.C. and in the State of Hawaii. The Washington, D.C. facilities shall serve as the headquarters of the Commission while the Hawaii office shall serve a liaison function. Both such offices shall include all necessary equipment and incidentals required for the proper functioning of the Commission.

''(f) POWERS.—

''(1) HEARINGS AND OTHER ACTIVITIES.—For purposes of carrying out its duties, the Commission may hold such hearings and undertake such other activities as the Commission determines to be necessary to carry out its duties, except that at least 8 hearings shall be held on each of the Hawaiian Islands and 3 hearings in the continental United States in areas where a significant population of Native Hawaiians reside. Such hearings shall be held to solicit the views of Native Hawaiians regarding the delivery of health care services to such individuals. To constitute a hearing under this paragraph, at least 4 members of the Commission, including at least 1 member of Congress, must be present. Hearings held by the study committee established under subsection (d)(3) may be counted towards the number of hearings required under this paragraph.

''(2) STUDIES BY THE GENERAL ACCOUNTING OFFICE.—Upon the request of the Commission, the Comptroller General shall conduct such studies or investigations as the Commission determines to be necessary to carry out its duties.

''(3) COST ESTIMATES.—

''(A) IN GENERAL.—The Director of the Congressional Budget Office or the Chief Actuary of the Health Care Financing Administration, or both, shall provide to the Commission, upon the request of the Commission, such cost estimates as the Commission determines to be necessary to carry out its duties.

''(B) REIMBURSEMENTS.—The Commission shall reimburse the Director of the Congressional Budget Office for expenses relating to the employment in the office of the Director of such additional staff as may be necessary for the Director to comply with requests by the Commission under subparagraph (A).

''(4) DETAIL OF FEDERAL EMPLOYEES.—Upon the request of the Commission, the head of any Federal agency is authorized to detail, without reimbursement, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employees.

''(5) TECHNICAL ASSISTANCE.—Upon the request of the Commission, the head of any Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

''(6) USE OF MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

''(7) OBTAINING INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable the Commission to carry out its duties, if the information

*may be disclosed under section 552 of title 5, United States Code. Upon request of the chairperson of the Commission, the head of such agency shall furnish such information to the Commission.*

*''(8) SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.*

*''(9) PRINTING.—For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of Congress.*

*''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section. The amount appropriated under this subsection shall not result in a reduction in any other appropriation for health care or health services for Native Hawaiians.*

***''SEC. 16. RULE OF CONSTRUCTION.***

*''Nothing in this Act shall be construed to restrict the authority of the State of Hawaii to license health practitioners.*

***''SEC. 17. COMPLIANCE WITH BUDGET ACT.***

*''Any new spending authority (described in subparagraph (A) of (B) of section 401(c)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 651(c)(2) (A) or (B))) which is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided for in appropriation Acts.*

***''SEC. 18. SEVERABILITY.***

*''If any provision of this Act, or the application of any such provision to any person or circumstances is held to be invalid, the remainder of this Act, and the application of such provision or amendment to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.''.*

Mr. GORTON. Mr. President, I ask unanimous consent the committee substitute be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1929), as amended, was read the third time and passed.

## STRENGTHENING ABUSE AND NEGLECT COURTS ACT OF 2000

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 737, S. 2272.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2272) to improve the administrative efficiency and effectiveness of the nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997.

There being no objection, the Senate proceeded to consider the bill.

## THE STRENGTHENING ABUSE AND NEGLECT COURTS ACT (SANCA)

Mr. LEAHY. Mr. President, I am pleased that the Senate today is passing S. 2272, the Strengthening Abuse and Neglect Courts Act, SANCA. I strongly support this legislation, which will provide much needed dollars to the Nation's overburdened abuse and neglect courts. We added to their burdens in 1997, by passing the Adoption and Safe Families Act, ASFA, without providing adequate funding to assure effective implementation. Courts nationwide are struggling to meet the accelerated timelines and other requirements of that legislation, which was intended to expedite the process of securing safe, permanent, and loving homes for abused and neglected children.

SANCA will help ease the pressure, by making available to State and local courts some Federal funding to assure timely court hearings and reduce the case backlogs created by the ASFA. Both the Conference of Chief Justices and the Conference of State Court Administrators have adopted resolutions in support of SANCA. It is without doubt a good idea.

This legislation authorizes $10 million over five years to assist state and local courts to develop and implement automated case tracking systems for abuse and neglect proceeding. It authorizes another $10 million to reduce existing backlogs of abuse and neglect cases, plus $5 million to expand the Court-Appointed Special Advocate, CASA, program in underserved areas. That is a total of $25 million that would help address a very real problem that we in Congress helped to create.

In my own State of Vermont, the courts are committed to implementing the ASFA and reducing the amount of time spent by children in foster care settings. But they are having trouble meeting the Federal law's tight deadlines and procedural requirements.

My only concern with S. 2272 is the competitive grant method that it adopts for allocating grant money. By contrast, the model for S. 2272—the Court Improvement Project, or CIP—allocates money by formula. Congress created the CIP grant program in 1993, to assist State courts in improving their handling of child abuse and neglect cases. On an annual basis, each State is awarded $85,000, and the remainder of the funds are distributed by formula based on the proportionate population of children in the States. This has been a highly successful program. States have combined CIP funds with State and local dollars to make sweeping changes in the way they handle child abuse and neglect cases.

Under SANCA, State and local courts would compete against each other for a relatively small number of grants, and many will get no help at all, even if their needs are great. I understand that there is companion legislation, the ''Training and Knowledge Ensure Children a Risk-Free Environment, TAKE CARE, Act,'' S. 2271, which would authorize increased assistance for every State to help improve the quality and availability of training for judges, attorneys, and volunteers working in the Nation's abuse and neglect courts. That bill was referred to the Committee on Finance, which has yet to consider it. It is my hope that the Senate will take up and pass S. 2271 before the end of this legislative session.

Many other important bills remain pending before this body as we head into the final weeks of the 106th Congress. I want to highlight one bill, which I introduced with Senators DEWINE and ROBB this summer, and which the Judiciary Committee reported by unanimous consent last week. The Computer Crime Enforcement Act, S. 1314, would authorize a $25 million Department of Justice grant program to help states prevent and prosecute computer crime. Grants under our bipartisan bill may be used to provide education, training, and enforcement programs for local law enforcement officers and prosecutors in the rapidly growing field of computer criminal justice. Our legislation has been endorsed by the Information Technology Association of America and Fraternal Order of Police. I hope all Senators can join us in our bipartisan effort to provide our state and local partners in crime fighting with the resources they need in the battle against computer crime.

I commend Senator DEWINE and Senator ROCKEFELLER for their leadership on the SANCA legislation and urge its speedy passage into law.

AMENDMENT NO. 4209

Mr. GORTON. Senator DEWINE has an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. DEWINE, proposes an amendment numbered 4209.

The amendment is as follows:

(Purpose: To extend the authorization of appropriations for an additional year)

On page 23, line 4, strike ''fiscal year 2001'' and insert ''the period of fiscal years 2001 and 2002''.

On page 24, line 13, strike ''fiscal year 2001'' and insert ''the period of fiscal years 2001 and 2002''.

Mr. GORTON. I ask unanimous consent the amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 4209) was agreed to.

The bill (S. 2272), as amended, was read the third time and passed, as follows:

S. 2272

*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 ''Strengthening Abuse and Neglect Courts Act of 2000''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) Under both Federal and State law, the courts play a crucial and essential role in

the Nation's child welfare system and in ensuring safety, stability, and permanence for abused and neglected children under the supervision of that system.

(2) The Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115) establishes explicitly for the first time in Federal law that a child's health and safety must be the paramount consideration when any decision is made regarding a child in the Nation's child welfare system.

(3) The Adoption and Safe Families Act of 1997 promotes stability and permanence for abused and neglected children by requiring timely decision-making in proceedings to determine whether children can safely return to their families or whether they should be moved into safe and stable adoptive homes or other permanent family arrangements outside the foster care system.

(4) To avoid unnecessary and lengthy stays in the foster care system, the Adoption and Safe Families Act of 1997 specifically requires, among other things, that States move to terminate the parental rights of the parents of those children who have been in foster care for 15 of the last 22 months.

(5) While essential to protect children and to carry out the general purposes of the Adoption and Safe Families Act of 1997, the accelerated timelines for the termination of parental rights and the other requirements imposed under that Act increase the pressure on the Nation's already overburdened abuse and neglect courts.

(6) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would be substantially improved by the acquisition and implementation of computerized case-tracking systems to identify and eliminate existing backlogs, to move abuse and neglect caseloads forward in a timely manner, and to move children into safe and stable families. Such systems could also be used to evaluate the effectiveness of such courts in meeting the purposes of the amendments made by, and provisions of, the Adoption and Safe Families Act of 1997.

(7) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would also be improved by the identification and implementation of projects designed to eliminate the backlog of abuse and neglect cases, including the temporary hiring of additional judges, extension of court hours, and other projects designed to reduce existing caseloads.

(8) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would be further strengthened by improving the quality and availability of training for judges, court personnel, agency attorneys, guardians ad litem, volunteers who participate in court-appointed special advocate (CASA) programs, and attorneys who represent the children and the parents of children in abuse and neglect proceedings.

(9) While recognizing that abuse and neglect courts in this country are already committed to the quality administration of justice, the performance of such courts would be even further enhanced by the development of models and educational opportunities that reinforce court projects that have already been developed, including models for case-flow procedures, case management, representation of children, automated interagency interfaces, and ''best practices'' standards.

(10) Judges, magistrates, commissioners, and other judicial officers play a central and vital role in ensuring that proceedings in our Nation's abuse and neglect courts are run efficiently and effectively. The performance of those individuals in such courts can only be further enhanced by training, seminars, and an ongoing opportunity to exchange ideas with their peers.

(11) Volunteers who participate in court-appointed special advocate (CASA) programs play a vital role as the eyes and ears of abuse and neglect courts in proceedings conducted by, or under the supervision of, such courts and also bring increased public scrutiny of the abuse and neglect court system. The Nation's abuse and neglect courts would benefit from an expansion of this program to currently underserved communities.

(12) Improved computerized case-tracking systems, comprehensive training, and development of, and education on, model abuse and neglect court systems, particularly with respect to underserved areas, would significantly further the purposes of the Adoption and Safe Families Act of 1997 by reducing the average length of an abused and neglected child's stay in foster care, improving the quality of decision-making and court services provided to children and families, and increasing the number of adoptions.

**SEC. 3. DEFINITIONS.**

In this Act:

(a) ABUSE AND NEGLECT COURTS.—The term ''abuse and neglect courts'' means the State and local courts that carry out State or local laws requiring proceedings (conducted by or under the supervision of the courts)—

(1) that implement part B and part E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.) (including preliminary disposition of such proceedings);

(2) that determine whether a child was abused or neglected;

(3) that determine the advisability or appropriateness of placement in a family foster home, group home, or a special residential care facility; or

(4) that determine any other legal disposition of a child in the abuse and neglect court system.

(b) AGENCY ATTORNEY.—The term ''agency attorney'' means an attorney or other individual, including any government attorney, district attorney, attorney general, State attorney, county attorney, city solicitor or attorney, corporation counsel, or privately retained special prosecutor, who represents the State or local agency administrating the programs under parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.) in a proceeding conducted by, or under the supervision of, an abuse and neglect court, including a proceeding for termination of parental rights.

**SEC. 4. GRANTS TO STATE COURTS AND LOCAL COURTS TO AUTOMATE THE DATA COLLECTION AND TRACKING OF PROCEEDINGS IN ABUSE AND NEGLECT COURTS.**

(a) AUTHORITY TO AWARD GRANTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General, acting through the Office of Juvenile Justice and Delinquency Prevention of the Office of Justice Programs, shall award grants in accordance with this section to State courts and local courts for the purposes of—

(A) enabling such courts to develop and implement automated data collection and case-tracking systems for proceedings conducted by, or under the supervision of, an abuse and neglect court;

(B) encouraging the replication of such systems in abuse and neglect courts in other jurisdictions; and

(C) requiring the use of such systems to evaluate a court's performance in implementing the requirements of parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.).

(2) LIMITATIONS.—

(A) NUMBER OF GRANTS.—Not less than 20 nor more than 50 grants may be awarded under this section.

(B) PER STATE LIMITATION.—Not more than 2 grants authorized under this section may be awarded per State.

(C) USE OF GRANTS.—Funds provided under a grant made under this section may only be used for the purpose of developing, implementing, or enhancing automated data collection and case-tracking systems for proceedings conducted by, or under the supervision of, an abuse and neglect court.

(b) APPLICATION.—

(1) IN GENERAL.—A State court or local court may submit an application for a grant authorized under this section at such time and in such manner as the Attorney General may determine.

(2) INFORMATION REQUIRED.—An application for a grant authorized under this section shall contain the following:

(A) A description of a proposed plan for the development, implementation, and maintenance of an automated data collection and case-tracking system for proceedings conducted by, or under the supervision of, an abuse and neglect court, including a proposed budget for the plan and a request for a specific funding amount.

(B) A description of the extent to which such plan and system are able to be replicated in abuse and neglect courts of other jurisdictions that specifies the common case-tracking data elements of the proposed system, including, at a minimum—

(i) identification of relevant judges, court, and agency personnel;

(ii) records of all court proceedings with regard to the abuse and neglect case, including all court findings and orders (oral and written); and

(iii) relevant information about the subject child, including family information and the reason for court supervision.

(C) In the case of an application submitted by a local court, a description of how the plan to implement the proposed system was developed in consultation with related State courts, particularly with regard to a State court improvement plan funded under section 13712 of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 670 note) if there is such a plan in the State.

(D) In the case of an application that is submitted by a State court, a description of how the proposed system will integrate with a State court improvement plan funded under section 13712 of such Act if there is such a plan in the State.

(E) After consultation with the State agency responsible for the administration of parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.)—

(i) a description of the coordination of the proposed system with other child welfare data collection systems, including the Statewide automated child welfare information system (SACWIS) and the adoption and foster care analysis and reporting system (AFCARS) established pursuant to section 479 of the Social Security Act (42 U.S.C. 679); and

(ii) an assurance that such coordination will be implemented and maintained.

(F) Identification of an independent third party that will conduct ongoing evaluations of the feasibility and implementation of the plan and system and a description of the plan for conducting such evaluations.

(G) A description or identification of a proposed funding source for completion of the plan (if applicable) and maintenance of the system after the conclusion of the period for which the grant is to be awarded.

(H) An assurance that any contract entered into between the State court or local court and any other entity that is to provide services for the development, implementation, or maintenance of the system under the proposed plan will require the entity to agree to allow for replication of the services provided, the plan, and the system, and to

refrain from asserting any proprietary interest in such services for purposes of allowing the plan and system to be replicated in another jurisdiction.

(I) An assurance that the system established under the plan will provide data that allows for evaluation (at least on an annual basis) of the following information:

(i) The total number of cases that are filed in the abuse and neglect court.

(ii) The number of cases assigned to each judge who presides over the abuse and neglect court.

(iii) The average length of stay of children in foster care.

(iv) With respect to each child under the jurisdiction of the court—

(I) the number of episodes of placement in foster care;

(II) the number of days placed in foster care and the type of placement (foster family home, group home, or special residential care facility);

(III) the number of days of in-home supervision; and

(IV) the number of separate foster care placements.

(v) The number of adoptions, guardianships, or other permanent dispositions finalized.

(vi) The number of terminations of parental rights.

(vii) The number of child abuse and neglect proceedings closed that had been pending for 2 or more years.

(viii) With respect to each proceeding conducted by, or under the supervision of, an abuse and neglect court—

(I) the timeliness of each stage of the proceeding from initial filing through legal finalization of a permanency plan (for both contested and uncontested hearings);

(II) the number of adjournments, delays, and continuances occurring during the proceeding, including identification of the party requesting each adjournment, delay, or continuance and the reasons given for the request;

(III) the number of courts that conduct or supervise the proceeding for the duration of the abuse and neglect case;

(IV) the number of judges assigned to the proceeding for the duration of the abuse and neglect case; and

(V) the number of agency attorneys, children's attorneys, parent's attorneys, guardians ad litem, and volunteers participating in a court-appointed special advocate (CASA) program assigned to the proceeding during the duration of the abuse and neglect case.

(J) A description of how the proposed system will reduce the need for paper files and ensure prompt action so that cases are appropriately listed with national and regional adoption exchanges, and public and private adoption services.

(K) An assurance that the data collected in accordance with subparagraph (I) will be made available to relevant Federal, State, and local government agencies and to the public.

(L) An assurance that the proposed system is consistent with other civil and criminal information requirements of the Federal government.

(M) An assurance that the proposed system will provide notice of timeframes required under the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115) for individual cases to ensure prompt attention and compliance with such requirements.

(c) CONDITIONS FOR APPROVAL OF APPLICATIONS.—

(1) MATCHING REQUIREMENT.—

(A) IN GENERAL.—A State court or local court awarded a grant under this section shall expend $1 for every $3 awarded under the grant to carry out the development, implementation, and maintenance of the automated data collection and case-tracking system under the proposed plan.

(B) WAIVER FOR HARDSHIP.—The Attorney General may waive or modify the matching requirement described in subparagraph (A) in the case of any State court or local court that the Attorney General determines would suffer undue hardship as a result of being subject to the requirement.

(C) NON-FEDERAL EXPENDITURES.—

(i) CASH OR IN KIND.—State court or local court expenditures required under subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

(ii) NO CREDIT FOR PRE-AWARD EXPENDITURES.—Only State court or local court expenditures made after a grant has been awarded under this section may be counted for purposes of determining whether the State court or local court has satisfied the matching expenditure requirement under subparagraph (A).

(2) NOTIFICATION TO STATE OR APPROPRIATE CHILD WELFARE AGENCY.—No application for a grant authorized under this section may be approved unless the State court or local court submitting the application demonstrates to the satisfaction of the Attorney General that the court has provided the State, in the case of a State court, or the appropriate child welfare agency, in the case of a local court, with notice of the contents and submission of the application.

(3) CONSIDERATIONS.—In evaluating an application for a grant under this section the Attorney General shall consider the following:

(A) The extent to which the system proposed in the application may be replicated in other jurisdictions.

(B) The extent to which the proposed system is consistent with the provisions of, and amendments made by, the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115), and parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.).

(C) The extent to which the proposed system is feasible and likely to achieve the purposes described in subsection (a)(1).

(4) DIVERSITY OF AWARDS.—The Attorney General shall award grants under this section in a manner that results in a reasonable balance among grants awarded to State courts and grants awarded to local courts, grants awarded to courts located in urban areas and courts located in rural areas, and grants awarded in diverse geographical locations.

(d) LENGTH OF AWARDS.—No grant may be awarded under this section for a period of more than 5 years.

(e) AVAILABILITY OF FUNDS.—Funds provided to a State court or local court under a grant awarded under this section shall remain available until expended without fiscal year limitation.

(f) REPORTS.—

(1) ANNUAL REPORT FROM GRANTEES.—Each State court or local court that is awarded a grant under this section shall submit an annual report to the Attorney General that contains—

(A) a description of the ongoing results of the independent evaluation of the plan for, and implementation of, the automated data collection and case-tracking system funded under the grant; and

(B) the information described in subsection (b)(2)(I).

(2) INTERIM AND FINAL REPORTS FROM ATTORNEY GENERAL.—

(A) INTERIM REPORTS.—Beginning 2 years after the date of enactment of this Act, and biannually thereafter until a final report is submitted in accordance with subparagraph (B), the Attorney General shall submit to Congress interim reports on the grants made under this section.

(B) FINAL REPORT.—Not later than 90 days after the termination of all grants awarded under this section, the Attorney General shall submit to Congress a final report evaluating the automated data collection and case-tracking systems funded under such grants and identifying successful models of such systems that are suitable for replication in other jurisdictions. The Attorney General shall ensure that a copy of such final report is transmitted to the highest State court in each State.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for the period of fiscal years 2001 through 2005.

**SEC. 5. GRANTS TO REDUCE PENDING BACKLOGS OF ABUSE AND NEGLECT CASES TO PROMOTE PERMANENCY FOR ABUSED AND NEGLECTED CHILDREN.**

(a) AUTHORITY TO AWARD GRANTS.—The Attorney General, acting through the Office of Juvenile Justice and Delinquency Prevention of the Office of Justice Programs and in collaboration with the Secretary of Health and Human Services, shall award grants in accordance with this section to State courts and local courts for the purposes of—

(1) promoting the permanency goals established in the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115); and

(2) enabling such courts to reduce existing backlogs of cases pending in abuse and neglect courts, especially with respect to cases to terminate parental rights and cases in which parental rights to a child have been terminated but an adoption of the child has not yet been finalized.

(b) APPLICATION.—A State court or local court shall submit an application for a grant under this section, in such form and manner as the Attorney General shall require, that contains a description of the following:

(1) The barriers to achieving the permanency goals established in the Adoption and Safe Families Act of 1997 that have been identified.

(2) The size and nature of the backlogs of children awaiting termination of parental rights or finalization of adoption.

(3) The strategies the State court or local court proposes to use to reduce such backlogs and the plan and timetable for doing so.

(4) How the grant funds requested will be used to assist the implementation of the strategies described in paragraph (3).

(c) USE OF FUNDS.—Funds provided under a grant awarded under this section may be used for any purpose that the Attorney General determines is likely to successfully achieve the purposes described in subsection (a), including temporarily—

(1) establishing night court sessions for abuse and neglect courts;

(2) hiring additional judges, magistrates, commissioners, hearing officers, referees, special masters, and other judicial personnel for such courts;

(3) hiring personnel such as clerks, administrative support staff, case managers, mediators, and attorneys for such courts; or

(4) extending the operating hours of such courts.

(d) NUMBER OF GRANTS.—Not less than 15 nor more than 20 grants shall be awarded under this section.

(e) AVAILABILITY OF FUNDS.—Funds awarded under a grant made under this section shall remain available for expenditure by a grantee for a period not to exceed 3 years from the date of the grant award.

(f) REPORT ON USE OF FUNDS.—Not later than the date that is halfway through the period for which a grant is awarded under this

section, and 90 days after the end of such period, a State court or local court awarded a grant under this section shall submit a report to the Attorney General that includes the following:

(1) The barriers to the permanency goals established in the Adoption and Safe Families Act of 1997 that are or have been addressed with grant funds.

(2) The nature of the backlogs of children that were pursued with grant funds.

(3) The specific strategies used to reduce such backlogs.

(4) The progress that has been made in reducing such backlogs, including the number of children in such backlogs—

(A) whose parental rights have been terminated; and

(B) whose adoptions have been finalized.

(5) Any additional information that the Attorney General determines would assist jurisdictions in achieving the permanency goals established in the Adoption and Safe Families Act of 1997.

(g) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated for the period of fiscal years 2001 and 2002 $10,000,000 for the purpose of making grants under this section.

**SEC. 6. GRANTS TO EXPAND THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM IN UNDERSERVED AREAS.**

(a) GRANTS TO EXPAND CASA PROGRAMS IN UNDERSERVED AREAS.—The Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice shall make a grant to the National Court-Appointed Special Advocate Association for the purposes of—

(1) expanding the recruitment of, and building the capacity of, court-appointed special advocate programs located in the 15 largest urban areas;

(2) developing regional, multijurisdictional court-appointed special advocate programs serving rural areas; and

(3) providing training and supervision of volunteers in court-appointed special advocate programs.

(b) LIMITATION ON ADMINISTRATIVE EXPENDITURES.—Not more than 5 percent of the grant made under this subsection may be used for administrative expenditures.

(c) DETERMINATION OF URBAN AND RURAL AREAS.—For purposes of administering the grant authorized under this subsection, the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice shall determine whether an area is one of the 15 largest urban areas or a rural area in accordance with the practices of, and statistical information compiled by, the Bureau of the Census.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to make the grant authorized under this section, $5,000,000 for the period of fiscal years 2001 and 2002.

## AMERICA'S LAW ENFORCEMENT AND MENTAL HEALTH PROJECT

Mr. GORTON. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of Calendar No. 734, S. 1865.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1865) to provide grants to establish demonstration mental health courts.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert the part printed in italic.

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''America's Law Enforcement and Mental Health Project''.*

***SEC. 2. FINDINGS.***

*Congress finds that—*

*(1) fully 16 percent of all inmates in State prisons and local jails suffer from mental illness, according to a July, 1999 report, conducted by the Bureau of Justice Statistics;*

*(2) between 600,000 and 700,000 mentally ill persons are annually booked in jail alone, according to the American Jail Association;*

*(3) estimates say 25 to 40 percent of America's mentally ill will come into contact with the criminal justice system, according to National Alliance for the Mentally Ill;*

*(4) 75 percent of mentally ill inmates have been sentenced to time in prison or jail or probation at least once prior to their current sentence, according to the Bureau of Justice Statistics in July, 1999; and*

*(5) Broward County, Florida and King County, Washington, have created separate Mental Health Courts to place nonviolent mentally ill offenders into judicially monitored in-patient and out-patient mental health treatment programs, where appropriate, with positive results.*

***SEC. 3. MENTAL HEALTH COURTS.***

*(a) AMENDMENT.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after part U (42 U.S.C. 3796hh et seq.) the following:*

***''PART V—MENTAL HEALTH COURTS***

***''SEC. 2201. GRANT AUTHORITY.***

*''The Attorney General shall make grants to States, State courts, local courts, units of local government, and Indian tribal governments, acting directly or through agreements with other public or nonprofit entities, for not more than 100 programs that involve—*

*''(1) continuing judicial supervision, including periodic review, over preliminarily qualified offenders with mental illness, mental retardation, or co-occurring mental illness and substance abuse disorders, who are charged with misdemeanors or nonviolent offenses; and*

*''(2) the coordinated delivery of services, which includes—*

*''(A) specialized training of law enforcement and judicial personnel to identify and address the unique needs of a mentally ill or mentally retarded offender;*

*''(B) voluntary outpatient or inpatient mental health treatment, in the least restrictive manner appropriate, as determined by the court, that carries with it the possibility of dismissal of charges or reduced sentencing upon successful completion of treatment;*

*''(C) centralized case management involving the consolidation of all of a mentally ill or mentally retarded defendant's cases, including violations of probation, and the coordination of all mental health treatment plans and social services, including life skills training, such as housing placement, vocational training, education, job placement, health care, and relapse prevention for each participant who requires such services; and*

*''(D) continuing supervision of treatment plan compliance for a term not to exceed the maximum allowable sentence or probation for the charged or relevant offense and, to the extent practicable, continuity of psychiatric care at the end of the supervised period.*

***''SEC. 2202. DEFINITIONS.***

*''In this part—*

*''(1) the term 'mental illness' means a diagnosable mental, behavioral, or emotional disorder—*

*''(A) of sufficient duration to meet diagnostic criteria within the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and*

*''(B) that has resulted in functional impairment that substantially interferes with or limits 1 or more major life activities; and*

*''(2) the term 'preliminarily qualified offender with mental illness, mental retardation, or co-occurring mental and substance abuse disorders' means a person who—*

*''(A)(i) previously or currently has been diagnosed by a qualified mental health professional as having a mental illness, mental retardation, or co-occurring mental illness and substance abuse disorders; or*

*''(ii) manifests obvious signs of mental illness, mental retardation, or co-occurring mental illness and substance abuse disorders during arrest or confinement or before any court; and*

*''(B) is deemed eligible by designated judges.*

***''SEC. 2203. ADMINISTRATION.***

*''(a) CONSULTATION.—The Attorney General shall consult with the Secretary of Health and Human Services and any other appropriate officials in carrying out this part.*

*''(b) USE OF COMPONENTS.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this part.*

*''(c) REGULATORY AUTHORITY.—The Attorney General shall issue regulations and guidelines necessary to carry out this part which include, but are not limited to, the methodologies and outcome measures proposed for evaluating each applicant program.*

*''(d) APPLICATIONS.—In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this part shall—*

*''(1) include a long-term strategy and detailed implementation plan;*

*''(2) explain the applicant's inability to fund the program adequately without Federal assistance;*

*''(3) certify that the Federal support provided will be used to supplement, and not supplant, State, Indian tribal, and local sources of funding that would otherwise be available;*

*''(4) identify related governmental or community initiatives which complement or will be coordinated with the proposal;*

*''(5) certify that there has been appropriate consultation with all affected agencies and that there will be appropriate coordination with all affected agencies in the implementation of the program, including the State mental health authority;*

*''(6) certify that participating offenders will be supervised by one or more designated judges with responsibility for the mental health court program;*

*''(7) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support;*

*''(8) describe the methodology and outcome measures that will be used in evaluating the program; and*

*''(9) certify that participating first time offenders without a history of a mental illness will receive a mental health evaluation.*

***''SEC. 2204. APPLICATIONS.***

*''To request funds under this part, the chief executive or the chief justice of a State or the chief executive or chief judge of a unit of local government or Indian tribal government shall submit to the Attorney General an application in such form and containing such information as the Attorney General may reasonably require.*

***''SEC. 2205. FEDERAL SHARE.***

*''The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the program described in the application submitted under section 2204 for the fiscal year for which the program receives assistance under this part, unless the Attorney General waives, wholly or in part, the requirement of a matching contribution under this section. The use of the Federal share of a grant made under this part shall be limited to new expenses necessitated by*

*the proposed program, including the development of treatment services and the hiring and training of personnel. In-kind contributions may constitute a portion of the non-Federal share of a grant.*

***''SEC. 2206. GEOGRAPHIC DISTRIBUTION.***

*''The Attorney General shall ensure that, to the extent practicable, an equitable geographic distribution of grant awards is made that considers the special needs of rural communities, Indian tribes, and Alaska Natives.*

***''SEC. 2207. REPORT.***

*''A State, Indian tribal government, or unit of local government that receives funds under this part during a fiscal year shall submit to the Attorney General a report in March of the following year regarding the effectiveness of this part.*

***''SEC. 2208. TECHNICAL ASSISTANCE, TRAINING, AND EVALUATION.***

*''(a) TECHNICAL ASSISTANCE AND TRAINING.—The Attorney General may provide technical assistance and training in furtherance of the purposes of this part.*

*''(b) EVALUATIONS.—In addition to any evaluation requirements that may be prescribed for grantees, the Attorney General may carry out or make arrangements for evaluations of programs that receive support under this part.*

*''(c) ADMINISTRATION.—The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General, in collaboration with the Secretary of Health and Human Services, or through grants, contracts, or other cooperative arrangements with other entities.''.*

*(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended by inserting after part U the following:*

*''PART V—MENTAL HEALTH COURTS*

*''Sec. 2201. Grant authority.*
*''Sec. 2202. Definitions.*
*''Sec. 2203. Administration.*
*''Sec. 2204. Applications.*
*''Sec. 2205. Federal share.*
*''Sec. 2206. Geographic distribution.*
*''Sec. 2207. Report.*
*''Sec. 2208. Technical assistance, training, and evaluation.''.*

*(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by inserting after paragraph (19) the following:*

*''(20) There are authorized to be appropriated to carry out part V, $10,000,000 for each of fiscal years 2001 through 2004.''.*

Mr. GORTON. I ask unanimous consent the committee substitute be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table and any statements relating to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1865), as amended, was read the third time and passed.

## ORDERS FOR WEDNESDAY, SEPTEMBER 27, 2000

Mr. GORTON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 9:30 a.m. on Wednesday, September 27. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business until 10:30 a.m., with Senators permitted to speak for 5 minutes each with the following exceptions: Senator MURKOWSKI, 20 minutes; Senator ROBB, 5 minutes; Senator HARKIN, 10 minutes; Senator LEAHY, 15 minutes; Senator THOMAS or his designee, 10 minutes.

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

## PROGRAM

Mr. GORTON. For the information of all Senators, the Senate will be in a period of morning business until 10:30 a.m. tomorrow. Following morning business, the Senate is expected to resume the H–1B bill. Under a previous agreement, at 9:30 a.m. on Thursday there will be 7 hours of debate on the continuing resolution with a vote to occur on the use or yielding back of time.

As a reminder, cloture motions were filed today on the H–1B visa bill; therefore, cloture votes will occur later this week.

## RECESS UNTIL 9:30 A.M. TOMORROW

Mr. GORTON. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:30 p.m., recessed until Wednesday, September 27, 2000, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate September 26, 2000:

### FEDERAL INSURANCE TRUST FUNDS

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS, VICE MARILYN MOON, TERM EXPIRED.

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS, VICE STEPHEN G. KELLISON, TERM EXPIRED.

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS, VICE MARILYN MOON, TERM EXPIRED.

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS, VICE STEPHEN G. KELLISON, TERM EXPIRED.

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS, VICE MARILYN MOON, TERM EXPIRED.

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS, VICE STEPHEN G. KELLISON, TERM EXPIRED.

### FOREIGN SERVICE

JAMES F. DOBBINS, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (EUROPEAN AFFAIRS), VICE MARC GROSSMAN, RESIGNED.

### UNITED STATES INSTITUTE OF PEACE

BETTY F. BUMPERS, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2001. (NEW POSITION)

BETTY F. BUMPERS, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005. (REAPPOINTMENT)