

“(II) PROHIBITION.—No permanent resident visa may be issued to an alien physician described in subclause (I) by the Secretary of State under section 204(b), and the Attorney General may not adjust the status of such an alien physician from that of a nonimmigrant alien to that of a permanent resident alien under section 245, until such time as the alien has worked full time as a physician for an aggregate of five years (not including the time served in the status of an alien described in section 101(a)(15)(J)), in an area or areas designated by the Secretary of Health and Human Services as having a shortage of health care professionals or at a health care facility under the jurisdiction of the Secretary of Veterans Affairs.

“(III) STATUTORY CONSTRUCTION.—Nothing in this subparagraph may be construed to prevent the filing of a petition with the Attorney General for classification under section 204(a), or the filing of an application for adjustment of status under section 245, by an alien physician described in subclause (I) prior to the date by which such alien physician has completed the service described in subclause (II).”

(IV) EFFECTIVE DATE.—The requirements of this subsection do not affect waivers on behalf of alien physicians approved under section 203(b)(2)(B) before the enactment date of this subsection. In the case of a physician for whom an application for a waiver was filed under Section 203(b)(2)(B) prior to November 1, 1998, the Attorney General shall grant a national interest waiver pursuant to Section 203(b)(2)(B) except that the alien is required to have worked full time as a physician for an aggregate of three years (not including time served in the status of an alien described in section 101(a)(15)(J)) before a visa can be issued to the alien under Section 204(b) or the status of the alien is adjusted to permanent resident under Section 245.

The PRESIDING OFFICER. I ask unanimous consent that the amendment be agreed to.

The amendment (No. 2326) was agreed to.

AMENDMENT NO. 2327

The PRESIDING OFFICER. There is a second amendment at the desk.

The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas (Mr. ROBERTS), for Mr. HATCH, proposes an amendment numbered 2327.

The amendment is as follows:

At the end of the bill insert the following:

SEC. . FURTHER CLARIFICATION OF TREATMENT OF CERTAIN INTERNATIONAL ACCOUNTING FIRMS.

Section 206(a) of the Immigration Act of 1990 (8 U.S.C. 1101 note) is amended to read as follows:

“(a) CLARIFICATION OF TREATMENT OF CERTAIN INTERNATIONAL ACCOUNTING AND MANAGEMENT CONSULTING FIRMS.—In applying sections 101(a)(15)(L) and 203(b)(1)(C) of the Immigration and Nationality Act, and for no other purpose, in the case of a partnership that is organized in the United States to provide accounting or management consulting services and that markets its accounting or management consulting services under an internationally recognized name under an agreement with a worldwide coordinating organization that is collectively owned and controlled by the member accounting and management consulting firms or by the elected members (partners, shareholders, members, employees) thereof, an entity that is organized outside the United States to provide accounting or management consulting services shall be considered to be an

affiliate of the United States accounting or management consulting partnership if it markets its accounting or management consulting services under the same internationally recognized name directly or indirectly under an agreement with the same worldwide coordinating organization of which the United States partnership is also a member. Those partnerships organized within the United States and entities organized outside the United States which are considered affiliates under this subsection shall continue to be considered affiliates to the extent such firms enter into a plan of association with a successor worldwide coordinating organization, which need not be collectively owned and controlled.”

Mr. HATCH. Mr. President, the amendment I am offering is a minor, technical clarification to the L visa program. The L visa is a temporary, nonimmigrant visa allowing a U.S. company which is part of an international business to make intra-company transfers from overseas of foreign executives, managers, and employees with specialized knowledge to America. In 1990, Congress clarified that international accounting firms and their related management consulting practices would be able to use the L visas. This specific provision in the Immigration Act of 1990 was thought necessary by Congress because, for legal and historical reasons, international accounting firms and their management consulting businesses are not organized the same way most international corporations are organized. The laws of various foreign countries relating to the accounting profession have caused the international accounting and associated management consulting businesses to be generally organized as partnerships held together by contracts with a worldwide coordinating organization. The INS regulations reflect congressional intent to be sure that international accounting firms and their associated management consulting businesses so organized would not be at a disadvantage under the L visa program. 8 CFR Section 214.2(l)(1)(ii)(L)(3).

My amendment will make sure that any international management consulting firm that separates from an international accounting firm, yet continues to maintain the qualifying worldwide organizational structure, may continue to use the L visa even if it is no longer connected to an accounting firm. Thus, no new category of beneficiaries may use the L visa. On the other hand, no business currently able to use the L visa will lose the right to do so under this amendment, including management consulting firms which have a relationship with an international accounting firm or which are organized in a more typical international corporate structure.

The PRESIDING OFFICER. I ask unanimous consent that the amendments be agreed to, the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

Without objection, it is so ordered.

The bill (H.R. 441), as amended, was passed.

MEASURE READ THE FIRST TIME—S. 1771

The PRESIDING OFFICER. Acting in my individual capacity as a Senator from Kansas, I understand that S. 1771, which was introduced by Senator ASHCROFT and others, is at the desk, and I ask for its first reading.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1771) to provide stability in the United States agriculture sector and to promote adequate availability of food and medicine for humanitarian assistance abroad by requiring congressional approval before the imposition of any unilateral agricultural or medical sanction against a foreign country or foreign entity.

The PRESIDING OFFICER. I now ask for its second reading and object to my own request.

Objection is heard.

EXECUTIVE CALENDAR

EXECUTIVE SESSION

The PRESIDING OFFICER. Acting in my capacity as a Senator from Kansas, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Executive Calendar Nos. 137 and 272.

I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, and any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF STATE

David B. Sandalow, of the District of Columbia, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

THE JUDICIARY

Richard K. Eaton, of the District of Columbia, to be a Judge of the United States Court of International Trade.

Mr. MOYNIHAN. Mr. President, I must say how delighted I am that the Senate has just confirmed Richard K. Eaton to be a Judge of the United States Court of International Trade. I have known Dick for nearly a quarter-century: he volunteered to work on my first campaign for the United States Senate in 1976. I was so impressed with his abilities, I asked him to run my Oneonta office. Later, he ran my New York City office. Then he moved to Washington to serve as my legislative director and—on two separate occasions—as my chief of staff.

Dick Eaton lives in Georgetown with his wife Susan Henshaw Jones and their two delightful daughters, Alice

and Liza. He is a partner in the New York law firm of Stroock & Stroock & Lavan, LLP. He was also a partner in Mudge Rose Guthrie Alexander & Ferdon. His practice has been varied, but includes work on some of the largest offerings of municipal securities in American history and appearances on behalf of clients in civil lawsuits in both State and Federal Courts.

I suppose I have always thought of Dick as a judge. Before he joined my staff he was—at the tender age of 26—the Village Justice of Cooperstown, New York. I know I have always benefited from his wise counsel with regard to matters large and small, professional and personal. I can tell you that he has the requisite qualities to make a fine judge: a respect for all points of view, extraordinarily good sense, an evenness of temperament, patience, intellectual agility, and absolute integrity.

Mr. President, Richard Eaton's greatest contribution to the administration of Justice may be that, since 1977, he has been the anchor of my committee that screens candidates for recommendation for Federal District Court and United States Attorney nominations. Dick now serves as chairman of the committee which—in our view at least—serves as a model for other States. Ours was the first such committee to proceed on a non-partisan basis. New York University Law School Professor Stephen Gillers put it this way:

In most places, lawyers who count, who want to be judges, become politically active. In New York, lawyers who want to be Federal trial judges complete a twelve-page questionnaire containing thirty-seven questions. An eleven-member panel screens applicants and recommends nominees. . . . Who have been Moynihan's nominees? . . . They are a first-rate group, as might be expected from the process that produced them.

No one deserves more credit for the committee's work than Dick. I know that a great number of Federal judges in New York can attest to the value of his counsel, so indispensable during the nomination and confirmation process, which often can be quite torturous. I daresay it is only fitting that Dick should himself join the Federal bench.

International trade litigation is a subject requiring intelligence and energy. The issues facing the Court of International Trade are hugely com-

plex. As Congress prescribed in the Customs Court Act of 1980, the Court of International Trade has broadened its powers and is now far more capable of providing uniformity in the judicial decision-making process for import transactions as required under Article I, section 8, of the Constitution. It will require the dedication and surpassing intellect of someone meeting Dick Eaton's high standard to see this job through. The President has shown great wisdom in proposing Dick for this Court.

It would be remiss of me not to thank the Majority and Minority Leaders for shepherding this nomination, and the Chairman and Ranking Member of the Judiciary Committee, Senators HATCH and LEAHY, for their generous support. We have confirmed a man of great talent and unwavering integrity who will distinguish himself on the bench as he has in every other endeavor.

LEGISLATIVE SESSION

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

ORDERS FOR MONDAY, OCTOBER 25, 1999

The PRESIDING OFFICER. Acting in my individual capacity as a Senator from Kansas, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon on Monday, October 25. I further ask unanimous consent that on Monday immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and notwithstanding the adjournment, the Senate then begin a period of morning business with Senators speaking for up to 5 minutes each, with the following exceptions: Senator DURBIN, or his designee, 12 to 1 p.m.; Senator THOMAS, or his designee, from 1 p.m. to 2 p.m.

Without objection, it is so ordered.

The PRESIDING OFFICER. I further ask unanimous consent that notwithstanding the adjournment, the Senate then resume consideration of the motion to proceed to H.R. 434, the African

trade bill; and the CONGRESSIONAL RECORD remain open until the hour of 1:30 p.m. for the submission of statements and introduction of legislation.

Without objection, it is so ordered.

PROGRAM

The PRESIDING OFFICER. Acting in my individual capacity as a Senator from Kansas, for the information of all Senators, on Monday the Senate will be in a period of morning business from 12 noon until 2 p.m. Following morning business, the Senate will resume consideration of the motion to proceed to the African trade bill. The Senate will also consider numerous Executive Calendar items during Monday's session of the Senate.

As a reminder, cloture was filed on the motion to proceed to the African trade bill today. Therefore, under the rule, that vote will occur 1 hour after the Senate convenes on Tuesday, unless another time is agreed to by the two leaders.

Appropriations conference reports will be considered throughout next week as they become available.

ADJOURNMENT UNTIL MONDAY, OCTOBER 25, 1999

The PRESIDING OFFICER. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:44 p.m., adjourned until Monday, October 25, 1999, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 22, 1999:

DEPARTMENT OF STATE

David B. Sandalow, of the District of Columbia, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

THE JUDICIARY

Richard K. Eaton, of the District of Columbia, to be a Judge of the United States Court of International Trade.