

S. 2698

At the request of Mr. MOYNIHAN, the name of the Senator from Oregon (Mr. SMITH) 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. 2714

At the request of Mrs. LINCOLN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2714, a bill to amend the Internal Revenue Code of 1986 to provide a higher purchase price limitation applicable to mortgage subsidy bonds based on median family income.

S. 2731

At the request of Mr. FRIST, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2731, a bill to amend title III of the Public Health Service Act to enhance the Nation's capacity to address public health threats and emergencies.

S. 2764

At the request of Mr. KENNEDY, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Vermont (Mr. LEAHY), and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 2764, a bill to amend the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973 to extend the authorizations of appropriations for the programs carried out under such Acts, and for other purposes.

S. 2819

At the request of Mr. REED, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2819, to provide for the establishment of an assistance program for health insurance consumers.

S. 2963

At the request of Mr. BRYAN, the name of the Senator from Michigan (Mr. LEVIN) 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. 2967

At the request of Mr. MURKOWSKI, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2967, a bill to amend the Internal Revenue Code of 1986 to facilitate competition in the electric power industry.

S. 2969

At the request of Mr. GORTON, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2969, a bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets.

S. 2994

At the request of Mr. ROBB, the name of the Senator from California (Mrs.

FEINSTEIN) was added as a cosponsor of S. 2994, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small business health plans, and for other purposes.

S. 3020

At the request of Mr. GRAMS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor 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. 3060

At the request of Mr. WELLSTONE, the names of the Senator from Hawaii (Mr. INOUE), the Senator from Wisconsin (Mr. KOHL), the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. AKAKA), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Arizona (Mr. MCCAIN), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 3060, a bill to amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act to certain former spouses of deceased Hmong veterans.

S. 3072

At the request of Mr. GRAMS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3072, a bill to assist in the enhancement of the development of expansion of international economic assistance programs that utilize cooperatives and credit unions, and for other purposes.

S. CON. RES. 111

At the request of Mr. NICKLES, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Con. Res. 111, a concurrent resolution expressing the sense of the Congress regarding ensuring a competitive North American market for softwood lumber.

S. RES. 339

At the request of Mr. REID, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from California (Mrs. FEINSTEIN), the Senator from Virginia (Mr. ROBB), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of S. Res. 339, a resolution designating November 18, 2000, as "National Survivors of Suicide Day."

S. RES. 340

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 340, a resolution designating December 10, 2000, as "National Children's Memorial Day."

AMENDMENTS SUBMITTED

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

CONRAD AMENDMENT NO. 4183

(Ordered to lie on the table.)

Mr. CONRAD submitted an amendment 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:

At the end of the bill, add the following:

SEC. . EXCLUSION OF CERTAIN "J" NON-IMMIGRANTS FROM NUMERICAL LIMITATIONS APPLICATION TO "H-1B 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).

KENNEDY (AND OTHERS) AMENDMENT NO. 4184

(Ordered to lie on the table.)

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, supra; as follows:

At the appropriate place in the bill, insert the following:

TITLE —LATINO AND IMMIGRANT FAIRNESS ACT OF 2000

SEC. .01. SHORT TITLE.

This title may be cited as the "Latino and Immigrant Fairness Act of 2000".

Subtitle A—Central American and Haitian Parity

SEC. .11. SHORT TITLE.

This subtitle may be cited as the "Central American and Haitian Parity Act of 2000".

SEC. .12. ADJUSTMENT OF STATUS FOR CERTAIN NATIONALS FROM EL SALVADOR, GUATEMALA, HONDURAS, AND HAITI.

Section 202 of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in the section heading, by striking "NICARAGUANS AND CUBANS" and inserting "NICARAGUANS, CUBANS, SALVADORANS, GUATEMALANS, HONDURANS, AND HAITIANS";

(2) in subsection (a)(1)(A), by striking "2000" and inserting "2003";

(3) in subsection (b)(1), by striking "Nicaragua or Cuba" and inserting "Nicaragua, Cuba, El Salvador, Guatemala, Honduras, or Haiti"; and

(4) in subsection (d)—

(A) in subparagraph (A), by striking "Nicaragua or Cuba" and inserting "Nicaragua, Cuba, El Salvador, Guatemala, Honduras, or Haiti"; and

(B) in subparagraph (E), by striking "2000" and inserting "2003".

SEC. .13. APPLICATIONS PENDING UNDER AMENDMENTS MADE BY SECTION 203 OF THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.

An application for relief properly filed by a national of Guatemala or El Salvador under the amendments made by section 203 of the Nicaraguan Adjustment and Central American Relief Act which was filed on or before the date of enactment of this Act, and on which a final administrative determination has not been made, shall, at the election of the applicant, be considered to be an application for adjustment of status under the provisions of section 202 of the Nicaraguan Adjustment and Central American Relief Act, as amended by sections .12 and .15 of

this Act, upon the payment of any fees, and in accordance with procedures, that the Attorney General shall prescribe by regulation. The Attorney General may not refund any fees paid in connection with an application filed by a national of Guatemala or El Salvador under the amendments made by section 203 of that Act.

SEC. 14. APPLICATIONS PENDING UNDER THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

An application for adjustment of status properly filed by a national of Haiti under the Haitian Refugee Immigration Fairness Act of 1998 which was filed on or before the date of enactment of this Act, and on which a final administrative determination has not been made, may be considered by the Attorney General to also constitute an application for adjustment of status under the provisions of section 202 of the Nicaraguan Adjustment and Central American Relief Act, as amended by sections 12 and 15 of this Act.

SEC. 15. TECHNICAL AMENDMENTS TO THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.

(a) IN GENERAL.—Section 202 of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in subsection (a)—

(A) by inserting before the period at the end of paragraph (1)(B) the following: “, and the Attorney General may, in the unreviewable discretion of the Attorney General, waive the grounds of inadmissibility specified in section 212(a)(1) (A)(i) and (6)(C) of such Act for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest”;

(B) by redesignating paragraph (2) as paragraph (3);

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

“(2) INAPPLICABILITY OF CERTAIN PROVISIONS.—In determining the eligibility of an alien described in subsection (b) or (d) for either adjustment of status under this section or other relief necessary to establish eligibility for such adjustment, the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply. In addition, an alien who would otherwise be inadmissible pursuant to section 212(a)(9) (A) or (C) of such Act may apply for the Attorney General’s consent to reapply for admission without regard to the requirement that the consent be granted prior to the date of the alien’s reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, in order to qualify for the exception to those grounds of inadmissibility set forth in section 212(a)(9) (A)(iii) and (C)(ii) of such Act.”; and

(D) by amending paragraph (3) (as redesignated by subparagraph (B)) to read as follows:

“(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, or removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. Such an alien may be required to seek a stay of such an order in accordance with subsection (c) to prevent the execution of that order pending the adjudication of the application for adjustment of status. If the Attorney General denies a stay of a final order of exclusion, deportation, or removal, or if the Attorney General renders a final administrative determination to deny the application for adjustment of status, the order shall be

effective and enforceable to the same extent as if the application had not been made. If the Attorney General grants the application for adjustment of status, the Attorney General shall cancel the order.”;

(2) in subsection (b)(1), by adding at the end the following: “Subsection (a) shall not apply to an alien lawfully admitted for permanent residence, unless the alien is applying for relief under that subsection in deportation or removal proceedings.”;

(3) in subsection (c)(1), by adding at the end the following: “Nothing in this Act requires the Attorney General to stay the removal of an alien who is ineligible for adjustment of status under this Act.”;

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows: “SPOUSES, CHILDREN, AND UNMARRIED SONS AND DAUGHTERS.”;

(B) by amending the heading of paragraph (1) to read as follows: “ADJUSTMENT OF STATUS.”;

(C) by amending paragraph (1)(A) to read as follows:

“(A) the alien entered the United States on or before the date of enactment of the Central American and Haitian Parity Act of 2000.”;

(D) in paragraph (1)(B), by striking “except that in the case of” and inserting the following: “except that—

“(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before the date of enactment of the Central American and Haitian Parity Act of 2000; and

“(ii) in the case of”;

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

“(3) ELIGIBILITY OF CERTAIN SPOUSES AND CHILDREN FOR ISSUANCE OF IMMIGRANT VISAS.—

“(A) IN GENERAL.—In accordance with regulations to be promulgated by the Attorney General and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien being granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, if the spouse or child—

“(i) meets the requirements in paragraphs (1)(B) and (1)(D); and

“(ii) applies for such a visa within a time period to be established by such regulations.

“(B) RETENTION OF FEES FOR PROCESSING APPLICATIONS.—The Secretary of State may retain fees to recover the cost of immigrant visa application processing and issuance for certain spouses and children of aliens whose applications for adjustment of status under subsection (a) have been approved. Such fees—

“(i) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of such processing and issuance; and

“(ii) shall be available until expended for the same purposes of such appropriation to support consular activities.”;

(5) in subsection (g), by inserting “, or an immigrant classification,” after “for permanent residence”;

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

“(i) STATUTORY CONSTRUCTION.—Nothing in this section authorizes any alien to apply for admission to, be admitted to, be paroled into, or otherwise lawfully return to the United States, to apply for, or to pursue an application for adjustment of status under this section without the express authorization of the Attorney General.”.

(b) EFFECTIVE DATE.—The amendments made by paragraphs (1)(D), (2), and (6) shall

be effective as if included in the enactment of the Nicaraguan and Central American Relief Act. The amendments made by paragraphs (1) (A)–(C), (3), (4), and (5) shall take effect on the date of enactment of this Act.

SEC. 16. TECHNICAL AMENDMENTS TO THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

(a) IN GENERAL.—Section 902 of the Haitian Refugee Immigration Fairness Act of 1998 is amended—

(1) in subsection (a)—

(A) by inserting before the period at the end of paragraph (1)(B) the following: “, and the Attorney General may waive the grounds of inadmissibility specified in section 212(a) (1)(A)(i) and (6)(C) of such Act for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest”;

(B) by redesignating paragraph (2) as paragraph (3);

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

“(2) INAPPLICABILITY OF CERTAIN PROVISIONS.—In determining the eligibility of an alien described in subsection (b) or (d) for either adjustment of status under this section or other relief necessary to establish eligibility for such adjustment, or for permission to reapply for admission to the United States for the purpose of adjustment of status under this section, the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply. In addition, an alien who would otherwise be inadmissible pursuant to section 212(a)(9) (A) or (C) of such Act may apply for the Attorney General’s consent to reapply for admission without regard to the requirement that the consent be granted prior to the date of the alien’s reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, in order to qualify for the exception to those grounds of inadmissibility set forth in section 212(a)(9) (A)(iii) and (C)(ii) of such Act.”; and

(D) by amending paragraph (3) (as redesignated by subparagraph (B)) to read as follows:

“(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. Such an alien may be required to seek a stay of such an order in accordance with subsection (c) to prevent the execution of that order pending the adjudication of the application for adjustment of status. If the Attorney General denies a stay of a final order of exclusion, deportation, or removal, or if the Attorney General renders a final administrative determination to deny the application for adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made. If the Attorney General grants the application for adjustment of status, the Attorney General shall cancel the order.”;

(2) in subsection (b)(1), by adding at the end the following: “Subsection (a) shall not apply to an alien lawfully admitted for permanent residence, unless the alien is applying for such relief under that subsection in deportation or removal proceedings.”;

(3) in subsection (c)(1), by adding at the end the following: “Nothing in this Act shall require the Attorney General to stay the removal of an alien who is ineligible for adjustment of status under this Act.”;

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows: "SPOUSES, CHILDREN, AND UNMARRIED SONS AND DAUGHTERS.—";

(B) by amending the heading of paragraph (1) to read as follows: "ADJUSTMENT OF STATUS.—";

(C) by amending paragraph (1)(A), to read as follows:

"(A) the alien entered the United States on or before the date of enactment of the Central American and Haitian Parity Act of 2000;";

(D) in paragraph (1)(B), by striking "except that in the case of" and inserting the following: "except that—

"(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before the date of enactment of the Central American and Haitian Parity Act of 2000; and

"(ii) in the case of";

(E) by adding at the end of paragraph (1) the following new subparagraph:

"(E) the alien applies for such adjustment before April 3, 2003."; and

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

"(3) ELIGIBILITY OF CERTAIN SPOUSES AND CHILDREN FOR ISSUANCE OF IMMIGRANT VISAS.—

"(A) IN GENERAL.—In accordance with regulations to be promulgated by the Attorney General and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien being granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, if the spouse or child—

"(i) meets the requirements in paragraphs (1)(B) and (1)(D); and

"(ii) applies for such a visa within a time period to be established by such regulations.

"(B) RETENTION OF FEES FOR PROCESSING APPLICATIONS.—The Secretary of State may retain fees to recover the cost of immigrant visa application processing and issuance for certain spouses and children of aliens whose applications for adjustment of status under subsection (a) have been approved. Such fees—

"(i) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of such processing and issuance; and

"(ii) shall be available until expended for the same purposes of such appropriation to support consular activities.";

(5) in subsection (g), by inserting ", or an immigrant classification," after "for permanent residence";

(6) by redesignating subsections (i), (j), and (k) as subsections (j), (k), and (l), respectively; and

(7) by inserting after subsection (h) the following new subsection:

"(i) STATUTORY CONSTRUCTION.—Nothing in this section authorizes any alien to apply for admission to, be admitted to, be paroled into, or otherwise lawfully return to the United States, to apply for, or to pursue an application for adjustment of status under this section without the express authorization of the Attorney General."

(b) EFFECTIVE DATE.—The amendments made by paragraphs (1)(D), (2), and (6) shall be effective as if included in the enactment of the Haitian Refugee Immigration Fairness Act of 1998. The amendments made by paragraphs (1) (A)–(C), (3), (4), and (5) shall take effect on the date of enactment of this Act.

SEC. 17. MOTIONS TO REOPEN.

(a) NATIONALS OF HAITI.—Notwithstanding any time and number limitations imposed by law on motions to reopen, a national of Haiti

who, on the date of enactment of this Act, has a final administrative denial of an application for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998, and is made eligible for adjustment of status under that Act by the amendments made by this title, may file one motion to reopen an exclusion, deportation, or removal proceeding to have the application reconsidered. Any such motion shall be filed within 180 days of the date of enactment of this Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998.

(b) NATIONALS OF CUBA.—Notwithstanding any time and number limitations imposed by law on motions to reopen, a national of Cuba or Nicaragua who, on the date of enactment of the Act, has a final administrative denial of an application for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act, and who is made eligible for adjustment of status under that Act by the amendments made by this title, may file one motion to reopen an exclusion, deportation, or removal proceeding to have the application reconsidered. Any such motion shall be filed within 180 days of the date of enactment of this Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act.

Subtitle B—Adjustment of Status of Other Aliens

SEC. 21. ADJUSTMENT OF STATUS.

(a) GENERAL AUTHORITY.—Notwithstanding any other provision of law, an alien described in paragraph (1) or (2) of subsection (b) shall be eligible for adjustment of status by the Attorney General under the same procedures and under the same grounds of eligibility as are applicable to the adjustment of status of aliens under section 202 of the Nicaraguan Adjustment and Central American Relief Act.

(b) COVERED ALIENS.—An alien referred to in subsection (a) is—

(1) any alien who was a national of the Soviet Union, Russia, any republic of the former Soviet Union, Latvia, Estonia, Lithuania, Poland, Czechoslovakia, Romania, Hungary, Bulgaria, Albania, East Germany, Yugoslavia, any or state of the former Yugoslavia and who has been physically present in the United States for a continuous period, beginning not later than December 1, 1995, and ending not earlier than the date the application for adjustment under subsection (a) is filed, except an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any periods in the aggregate not exceeding 180 days; and

(2) any alien who is a national of Liberia and who has been physically present in the United States for a continuous period, beginning not later than December 31, 1996, and ending not earlier than the date the application for adjustment under subsection (a) is filed, except an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any periods in the aggregate not exceeding 180 days.

Subtitle C—Restoration of Section 245(i) Adjustment of Status Benefits

SEC. 31. REMOVAL OF CERTAIN LIMITATIONS ON ELIGIBILITY FOR ADJUSTMENT OF STATUS UNDER SECTION 245(i).

(a) IN GENERAL.—Section 245(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(1)) is amended by striking "(i)(1)"

through "The Attorney General" and inserting the following:

"(i)(1) Notwithstanding the provisions of subsections (a) and (c) of this section, an alien physically present in the United States who—

"(A) entered the United States without inspection; or

"(B) is within one of the classes enumerated in subsection (c) of this section; may apply to the Attorney General for the adjustment of his or her status to that of an alien lawfully admitted for permanent residence. The Attorney General".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if included in the enactment of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119; 111 Stat. 2440).

SEC. 32. USE OF SECTION 245(i) FEES.

Section 245(i)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(3)(B)) is amended to read as follows:

"(B) One-half of any remaining portion of such fees remitted under such paragraphs shall be deposited by the Attorney General into the Immigration Examinations Fee Account established under section 286(m), and one-half of any remaining portion of such fees shall be deposited by the Attorney General into the Breached Bond/Detention Fund established under section 286(r)."

Subtitle D—Extension of Registry Benefits

SEC. 41. SHORT TITLE.

This subtitle may be cited as the "Date of Registry Act of 2000".

SEC. 42. RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS.

(a) IN GENERAL.—Section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) is amended—

(1) in subsection (a), by striking "January 1, 1972" and inserting "January 1, 1986"; and

(2) by striking "JANUARY 1, 1972" in the heading and inserting "JANUARY 1, 1986".

(b) EFFECTIVE DATES.—

(1) GENERAL RULE.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act.

(2) EXTENSION OF DATE OF REGISTRY.—

(A) PERIOD BEGINNING JANUARY 1, 2002.—Beginning on January 1, 2002, section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) is amended by striking "January 1, 1986" each place it appears and inserting "January 1, 1987".

(B) PERIOD BEGINNING JANUARY 1, 2003.—Beginning on January 1, 2003, section 249 of such Act is amended by striking "January 1, 1987" each place it appears and inserting "January 1, 1988".

(C) PERIOD BEGINNING JANUARY 1, 2004.—Beginning on January 1, 2004, section 249 of such Act is amended by striking "January 1, 1988" each place it appears and inserting "January 1, 1989".

(D) PERIOD BEGINNING JANUARY 1, 2005.—Beginning on January 1, 2005, section 249 of such Act is amended by striking "January 1, 1989" each place it appears and inserting "January 1, 1990".

(E) PERIOD BEGINNING JANUARY 1, 2006.—Beginning on January 1, 2006, section 249 of such Act is amended by striking "January 1, 1990" each place it appears and inserting "January 1, 1991".

"RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS WHO ENTERED THE UNITED STATES PRIOR TO JULY 1, 1924 OR JANUARY 1, 1986".

(3) TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act is amended by amending the item relating to section 249 to read as follows:

"Sec. 249. Record of admission for permanent residence in the case of certain aliens who entered the United States prior to July 1, 1924 or January 1, 1986."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2001, and the amendment made by subsection (a) shall apply to applications to record lawful admission for permanent residence that are filed on or after January 1, 2001.

KENNEDY AMENDMENTS NOS. 4185–4187

(Ordered to lie on the table.)

Mr. KENNEDY submitted three amendments intended to be proposed by him to the bill, S. 2045, *supra*; as follows:

AMENDMENT No. 4185

On page 9, strike line 24 and all that follows through page 11, line 13, and insert the following:

SEC. 2. TEMPORARY INCREASE IN NUMBER OF ALIENS AUTHORIZED TO BE GRANTED H-1B NONIMMIGRANT STATUS.

Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended by striking clauses (iii), (iv), and (v) and inserting the following:

"(iii) 200,000 in each of the fiscal years 2000, 2001, and 2002; and

"(iv) 65,000 in each succeeding fiscal year."

SEC. 3. ALLOCATION OF H-1B NUMBERS FOR HIGHLY SKILLED PROFESSIONALS.

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 non-immigrant 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."

AMENDMENT No. 4186

On page 16, after line 8, insert the following:

DEPARTMENT OF LABOR SURVEY; REPORT.

(g) 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.

(b) 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.

AMENDMENT No. 4187

On page 20, after line 13, insert the following:

Section 286(s)(5) of the Immigration and Nationality Act (8 U.S.C. (s)(5) is amended to read as follows:

(f) 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 non-immigrants 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 17, line 19 is deemed to be "55 percent"; the figure on page 17, line 21 is deemed to be "22 percent"; the figure on page 17, line 23 is deemed to be "4 percent"; and the figure on page 18, line 12 is deemed to be "15 percent".

WATER RESOURCES DEVELOPMENT ACT OF 2000

ABRAHAM AMENDMENT NO. 4188

Mr. SMITH of New Hampshire (for Mr. ABRAHAM) proposed an amendment to the bill (S. 2796) providing for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . EXPORT OF WATER FROM GREAT LAKES.

(a) ADDITIONAL FINDING.—Section 1109(b) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d-20(b)) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), and by inserting after paragraph (1) the following:

(2) to encourage the Great Lakes States, in consultation with the Provinces of Ontario and Quebec, to develop and implement a mechanism that provides a common conservation standard embodying the principles of water conservation and resource improvement for making decisions concerning the withdrawal and use of water from the Great Lakes Basin;

(b) APPROVAL OF GOVERNORS FOR EXPORT OF WATER.—Section 1109(d) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d-20(d)) is amended by

(1) inserting or exported after diverted; and

(2) inserting or export after diversion.

(c) SENSE OF THE CONGRESS.—It is the Sense of the Congress that the Secretary of

State should work with the Canadian Government to encourage and support the Provinces in the development and implementation of a mechanism and standard concerning the withdrawal and use of water from the Great Lakes Basin consistent with those mechanisms and standards developed by the Great Lakes States.

VETERANS CLAIMS ASSISTANCE ACT OF 2000

SPECTER (AND ROCKEFELLER) AMENDMENT NO. 4189

Mr. BROWNBAC (for Mr. SPECTER (for himself and Mr. ROCKEFELLER)) proposed an amendment to the bill (H.R. 4864) to amend title 38, United States Code, to reaffirm and clarify the duty of the Secretary of Veterans Affairs to assist claimants for benefits under laws administered by the Secretary, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Claims Assistance Act of 2000".

SEC. 2. CLARIFICATION OF DEFINITION OF "CLAIMANT" FOR PURPOSES OF VETERANS CLAIMS.

Chapter 51 of title 38, United States Code, is amended by inserting before section 5101 the following new section:

"§ 5100. Definition of 'claimant'"

"For purposes of this chapter, the term 'claimant' means any individual applying for, or submitting a claim for, any benefit under the laws administered by the Secretary."

SEC. 3. ASSISTANCE TO CLAIMANTS.

(a) REAFFIRMATION AND CLARIFICATION OF DUTY TO ASSIST.—Chapter 51 of title 38, United States Code, is further amended by striking sections 5102 and 5103 and inserting the following:

"§ 5102. Application forms furnished upon request; notice to claimants of incomplete applications"

"(a) FURNISHING FORMS.—Upon request made by any person claiming or applying for, or expressing an intent to claim or apply for, a benefit under the laws administered by the Secretary, the Secretary shall furnish such person, free of all expense, all instructions and forms necessary to apply for that benefit.

"(b) INCOMPLETE APPLICATIONS.—If a claimant's application for a benefit under the laws administered by the Secretary is incomplete, the Secretary shall notify the claimant and the claimant's representative, if any, of the information necessary to complete the application.

"§ 5103. Notice to claimants of required information and evidence"

"(a) REQUIRED INFORMATION AND EVIDENCE.—Upon receipt of a complete or substantially complete application, the Secretary shall notify the claimant and the claimant's representative, if any, of any information, and any medical or lay evidence, not previously provided to the Secretary that is necessary to substantiate the claim. As part of that notice, the Secretary shall indicate which portion of that information and evidence, if any, is to be provided by the claimant and which portion, if any, the Secretary, in accordance with section 5103A of this title and any other applicable provisions of law, will attempt to obtain on behalf of the claimant.

“(b) TIME LIMITATION.—(1) In the case of information or evidence that the claimant is notified under subsection (a) is to be provided by the claimant, if such information or evidence is not received by the Secretary within one year from the date of such notification, no benefit may be paid or furnished by reason of the claimant's application.

“(2) This subsection shall not apply to any application or claim for Government life insurance benefits.

“§ 5103A. Duty to assist claimants

“(a) DUTY TO ASSIST.—(1) The Secretary shall make reasonable efforts to assist a claimant in obtaining evidence necessary to substantiate the claimant's claim for a benefit under a law administered by the Secretary.

“(2) The Secretary is not required to provide assistance to a claimant under this section if no reasonable possibility exists that such assistance would aid in substantiating the claim.

“(3) The Secretary may defer providing assistance under this section pending the submission by the claimant of essential information missing from the claimant's application.

“(b) ASSISTANCE IN OBTAINING RECORDS.—(1) As part of the assistance provided under subsection (a), the Secretary shall make reasonable efforts to obtain relevant records (including private records) that the claimant adequately identifies to the Secretary and authorizes the Secretary to obtain.

“(2) Whenever the Secretary, after making such reasonable efforts, is unable to obtain all of the relevant records sought, the Secretary shall notify the claimant that the Secretary is unable to obtain records with respect to the claim. Such a notification shall—

“(A) identify the records the Secretary is unable to obtain;

“(B) briefly explain the efforts that the Secretary made to obtain those records; and

“(C) describe any further action to be taken by the Secretary with respect to the claim.

“(3) Whenever the Secretary attempts to obtain records from a Federal department or agency under this subsection or subsection (c), the efforts to obtain those records shall continue until the records are obtained unless it is reasonably certain that such records do not exist or that further efforts to obtain those records would be futile.

“(c) OBTAINING RECORDS FOR COMPENSATION CLAIMS.—In the case of a claim for disability compensation, the assistance provided by the Secretary under subsection (b) shall include obtaining the following records if relevant to the claim:

“(1) The claimant's service medical records and, if the claimant has furnished the Secretary information sufficient to locate such records, other relevant records pertaining to the claimant's active military, naval, or air service that are held or maintained by a governmental entity.

“(2) Records of relevant medical treatment or examination of the claimant at Department health-care facilities or at the expense of the Department, if the claimant furnishes information sufficient to locate those records.

“(3) Any other relevant records held by any Federal department or agency that the claimant adequately identifies and authorizes the Secretary to obtain.

“(d) MEDICAL EXAMINATIONS FOR COMPENSATION CLAIMS.—(1) In the case of a claim for disability compensation, the assistance provided by the Secretary under subsection (a) shall include providing a medical examination or obtaining a medical opinion when such an examination or opinion is necessary to make a decision on the claim.

“(2) The Secretary shall treat an examination or opinion as being necessary to make a decision on a claim for purposes of paragraph (1) if the evidence of record before the Secretary, taking into consideration all information and lay or medical evidence (including statements of the claimant)—

“(A) contains competent evidence that the claimant has a current disability, or persistent or recurrent symptoms of disability; and

“(B) indicates that the disability or symptoms may be associated with the claimant's active military, naval, or air service; but

“(C) does not contain sufficient medical evidence for the Secretary to make a decision on the claim.

“(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.

“(f) RULE WITH RESPECT TO DISALLOWED CLAIMS.—Nothing in this section shall be construed to require the Secretary to reopen a claim that has been disallowed except when new and material evidence is presented or secured, as described in section 5108 of this title.

“(g) OTHER ASSISTANCE NOT PRECLUDED.—Nothing in this section shall be construed as precluding the Secretary from providing such other assistance under subsection (a) to a claimant in substantiating a claim as the Secretary considers appropriate.”

(b) REENACTMENT OF RULE FOR CLAIMANT'S LACKING A MAILING ADDRESS.—Chapter 51 of such title is further amended by adding at the end the following new section:

“§ 5126. Benefits not to be denied based on lack of mailing address

“Benefits under laws administered by the Secretary may not be denied a claimant on the basis that the claimant does not have a mailing address.”

SEC. 4. DECISION ON CLAIM.

Section 5107 of title 38, United States Code, is amended to read as follows:

“§ 5107. Claimant responsibility; benefit of the doubt

“(a) CLAIMANT RESPONSIBILITY.—Except as otherwise provided by law, a claimant has the responsibility to present and support a claim for benefits under laws administered by the Secretary.

“(b) BENEFIT OF THE DOUBT.—The Secretary shall consider all information and lay and medical evidence of record in a case before the Secretary with respect to benefits under laws administered by the Secretary. When there is an approximate balance of positive and negative evidence regarding any issue material to the determination of a matter, the Secretary shall give the benefit of the doubt to the claimant.”

SEC. 5. PROHIBITION OF CHARGES FOR RECORDS FURNISHED BY OTHER FEDERAL DEPARTMENTS AND AGENCIES.

Section 5106 of title 38, United States Code, is amended by adding at the end the following new sentence: “The cost of providing information to the Secretary under this section shall be borne by the department or agency providing the information.”

SEC. 6. CLERICAL AMENDMENTS.

The table of sections at the beginning of chapter 51 of title 38, United States Code, is amended—

(1) by inserting before the item relating to section 5101 the following new item:

“5100. Definition of ‘claimant’.”;

(2) by striking the items relating to sections 5102 and 5103 and inserting the following:

“5102. Application forms furnished upon request; notice to claimants of incomplete applications.

“5103. Notice to claimants of required information and evidence.

“5103A. Duty to assist claimants.”;

(3) by striking the item relating to section 5107 and inserting the following:

“5107. Claimant responsibility; benefit of the doubt.”;

and

(4) by adding at the end the following new item:

“5126. Benefits not to be denied based on lack of mailing address.”.

SEC. 7. EFFECTIVE DATE.

(a) IN GENERAL.—Except as specifically provided otherwise, the provisions of section 5107 of title 38, United States Code, as amended by section 4 of this Act, apply to any claim—

(1) filed on or after the date of the enactment of this Act; or

(2) filed before the date of the enactment of this Act and not final as of that date.

(b) RULE FOR CLAIMS THE DENIAL OF WHICH BECAME FINAL AFTER THE COURT OF APPEALS FOR VETERANS CLAIMS DECISION IN THE MORTON CASE.—(1) In the case of a claim for benefits denied or dismissed as described in paragraph (2), the Secretary of Veterans Affairs shall, upon the request of the claimant or on the Secretary's own motion, order the claim readjudicated under chapter 51 of such title, as amended by this Act, as if the denial or dismissal had not been made.

(2) A denial or dismissal described in this paragraph is a denial or dismissal of a claim for a benefit under the laws administered by the Secretary of Veterans Affairs that—

(A) became final during the period beginning on July 14, 1999, and ending on the date of the enactment of this Act; and

(B) was issued by the Secretary of Veterans Affairs or a court because the claim was not well grounded (as that term was used in section 5107(a) of title 38, United States Code, as in effect during that period).

(3) A claim may not be readjudicated under this subsection unless a request for readjudication is filed by the claimant, or a motion is made by the Secretary, not later than two years after the date of the enactment of this Act.

(4) In the absence of a timely request of a claimant under paragraph (3), nothing in this Act shall be construed as establishing a duty on the part of the Secretary of Veterans Affairs to locate and readjudicate a claim described in this subsection.

NOTICE OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled “The U.S. Forest Service: Taking a Chain Saw to Small Business.” The hearing will be held on Wednesday, October 4, 2000 9:30 a.m. in 428A Russell Senate Office Building.

The hearing will be broadcast live over the Internet from our homepage address: <http://www.senate.gov/sbc>

For further information, please contact Mark Warren at 224-5175.

KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA ACT OF 2000

On September 22, 2000, the Senate amended and passed S. 2511, as follows:

S. 2511

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