

S. 3137

At the request of Mr. GRAMS, his name was added as a cosponsor of S. 3137, a bill to establish a commission to commemorate the 250th anniversary of the birth of James Madison.

At the request of Mr. SESSIONS, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 3137, *supra*.

S. CON. RES. 111

At the request of Mr. NICKLES, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors 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. CON. RES. 140

At the request of Mr. LOTT, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. Con. Res. 140, a concurrent resolution expressing the sense of Congress regarding high-level visits by Taiwanese officials to the United States.

S. RES. 292

At the request of Mr. CLELAND, the names of the Senator from Nebraska (Mr. KERREY), the Senator from Wisconsin (Mr. KOHL), the Senator from Michigan (Mr. LEVIN), the Senator from New York (Mr. MOYNIHAN), and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. Res. 292, a resolution recognizing the 20th century as the "Century of Women in the United States."

S. RES. 359

At the request of Mr. SCHUMER, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. Res. 359, a resolution designating October 16, 2000, to October 20, 2000 as "National Teach For America Week."

AMENDMENTS SUBMITTED

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

WARNER AMENDMENT NO. 4280

Mr. LOTT (for Mr. WARNER) proposed an amendment to the bill (S. 2507) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

On page 27, strike line 3 and all that follows through page 37, line 3, and insert the following:

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. TWO-YEAR EXTENSION OF AUTHORITY TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.

Section 431(a) of title 10, United States Code, is amended in the second sentence by

striking "December 31, 2000" and inserting "December 31, 2002".

SEC. 502. ROLE OF DIRECTOR OF CENTRAL INTELLIGENCE IN EXPERIMENTAL PERSONNEL PROGRAM FOR CERTAIN SCIENTIFIC AND TECHNICAL PERSONNEL.

If the Director of Central Intelligence requests that the Secretary of Defense exercise any authority available to the Secretary under section 1101(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 5 U.S.C. 3104 note) to carry out a program of special personnel management authority at the National Imagery and Mapping Agency and the National Security Agency in order to facilitate recruitment of eminent experts in science and engineering at such agencies, the Secretary shall respond to such request not later than 30 days after the date of such request.

SEC. 503. PROHIBITION ON TRANSFER OF IMAGERY ANALYSTS FROM GENERAL DEFENSE INTELLIGENCE PROGRAM TO NATIONAL IMAGERY AND MAPPING AGENCY PROGRAM.

(a) PROHIBITION ON USE OF FUNDS FOR TRANSFER.—No funds authorized to be appropriated by this Act may be transferred from the General Defense Intelligence Program to the National Imagery and Mapping Agency Program for purposes of transferring imagery analysis personnel from the General Defense Intelligence Program to the National Imagery and Mapping Agency Program.

(b) ROLE OF DIRECTOR OF NIMA AS FUNCTIONAL MANAGER FOR IMAGERY AND GEOSPACIAL PROGRAMS.—(1) The Secretary of Defense shall, in consultation with the Director of Central Intelligence, review options for strengthening the role of the Director of the National Imagery and Mapping Agency as the functional manager for United States imagery and geospatial programs.

(2) Not later than March 15, 2001, the Secretary shall submit to the appropriate committees of Congress a report on the review required by subsection (b). The report shall include any recommendations regarding modifications in the role and duties of the Director of the National Imagery and Mapping Agency that the Secretary considers appropriate in light of the review.

(3) In this subsection, the term "appropriate committees of Congress" means the following:

(A) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(B) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 504. PROHIBITION ON TRANSFER OF COLLECTION MANAGEMENT PERSONNEL FROM GENERAL DEFENSE INTELLIGENCE PROGRAM TO COMMUNITY MANAGEMENT ACCOUNT.

No funds authorized to be appropriated by this Act may be transferred from the General Defense Intelligence Program to the Community Management Account for purposes of transferring intelligence collection management personnel.

SEC. 505. AUTHORIZED PERSONNEL CEILING FOR GENERAL DEFENSE INTELLIGENCE PROGRAM.

The authorized personnel ceiling for the General Defense Intelligence Program specified in the classified Schedule of Authorizations referred to in section 102 is hereby increased by 2,152 positions.

SEC. 506. MEASUREMENT AND SIGNATURE INTELLIGENCE.

(a) STUDY OF OPTIONS.—The Director of Central Intelligence shall, in coordination with the Secretary of Defense, conduct a

study of the utility and feasibility of various options for improving the management and organization of measurement and signature intelligence, including—

(1) the option of establishing a centralized tasking, processing, exploitation, and dissemination facility for measurement and signature intelligence;

(2) options for recapitalizing and reconfiguring the current systems for measurement and signature intelligence; and

(3) the operation and maintenance costs of the various options.

(b) REPORT.—Not later than April 1, 2001, the Director and the Secretary shall jointly submit to the appropriate committees of Congress a report on their findings as a result of the study required by subsection (a). The report shall set forth any recommendations that the Director and the Secretary consider appropriate.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SPECTER AMENDMENT NO. 4281

Mr. LOTT (for Mr. SPECTER) proposed an amendment to the bill (S. 2507) *supra*; as follows:

At the end of the bill, add the following:

TITLE VI—COUNTERINTELLIGENCE MATTERS

SEC. 601. SHORT TITLE.

This title may be cited as the "Counterintelligence Reform Act of 2000".

SEC. 602. ORDERS FOR ELECTRONIC SURVEILLANCE UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) REQUIREMENTS REGARDING CERTAIN APPLICATIONS.—Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended by adding at the end the following new subsection:

"(e)(1)(A) Upon written request of the Director of the Federal Bureau of Investigation, the Secretary of Defense, the Secretary of State, or the Director of Central Intelligence, the Attorney General shall personally review under subsection (a) an application under that subsection for a target described in section 101(b)(2).

"(B) Except when disabled or otherwise unavailable to make a request referred to in subparagraph (A), an official referred to in that subparagraph may not delegate the authority to make a request referred to in that subparagraph.

"(C) Each official referred to in subparagraph (A) with authority to make a request under that subparagraph shall take appropriate actions in advance to ensure that delegation of such authority is clearly established in the event such official is disabled or otherwise unavailable to make such request.

"(2)(A) If as a result of a request under paragraph (1) the Attorney General determines not to approve an application under the second sentence of subsection (a) for purposes of making the application under this section, the Attorney General shall provide written notice of the determination to the official making the request for the review of the application under that paragraph. Except when disabled or otherwise unavailable to make a determination under the preceding sentence, the Attorney General may not delegate the responsibility to make a determination under that sentence. The Attorney

General shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event the Attorney General is disabled or otherwise unavailable to make such determination.

“(B) Notice with respect to an application under subparagraph (A) shall set forth the modifications, if any, of the application that are necessary in order for the Attorney General to approve the application under the second sentence of subsection (a) for purposes of making the application under this section.

“(C) Upon review of any modifications of an application set forth under subparagraph (B), the official notified of the modifications under this paragraph shall modify the application if such official determines that such modification is warranted. Such official shall supervise the making of any modification under this subparagraph. Except when disabled or otherwise unavailable to supervise the making of any modification under the preceding sentence, such official may not delegate the responsibility to supervise the making of any modification under that preceding sentence. Each such official shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event such official is disabled or otherwise unavailable to supervise the making of such modification.”.

(b) PROBABLE CAUSE.—Section 105 of that Act (50 U.S.C. 1805) is amended—

(1) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (c), (d), (e), (f), (g), and (h), respectively;

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

“(b) In determining whether or not probable cause exists for purposes of an order under subsection (a)(3), a judge may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target.”; and

(3) in subsection (d), as redesignated by paragraph (1), by striking “subsection (b)(1)” and inserting “subsection (c)(1)”.

SEC. 603. ORDERS FOR PHYSICAL SEARCHES UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) REQUIREMENTS REGARDING CERTAIN APPLICATIONS.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended by adding at the end the following new subsection:

“(d)(1)(A) Upon written request of the Director of the Federal Bureau of Investigation, the Secretary of Defense, the Secretary of State, or the Director of Central Intelligence, the Attorney General shall personally review under subsection (a) an application under that subsection for a target described in section 101(b)(2).

“(B) Except when disabled or otherwise unavailable to make a request referred to in subparagraph (A), an official referred to in that subparagraph may not delegate the authority to make a request referred to in that subparagraph.

“(C) Each official referred to in subparagraph (A) with authority to make a request under that subparagraph shall take appropriate actions in advance to ensure that delegation of such authority is clearly established in the event such official is disabled or otherwise unavailable to make such request.

“(2)(A) If as a result of a request under paragraph (1) the Attorney General determines not to approve an application under the second sentence of subsection (a) for purposes of making the application under this section, the Attorney General shall provide written notice of the determination to the official making the request for the review of the application under that paragraph. Except

when disabled or otherwise unavailable to make a determination under the preceding sentence, the Attorney General may not delegate the responsibility to make a determination under that sentence. The Attorney General shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event the Attorney General is disabled or otherwise unavailable to make such determination.

“(B) Notice with respect to an application under subparagraph (A) shall set forth the modifications, if any, of the application that are necessary in order for the Attorney General to approve the application under the second sentence of subsection (a) for purposes of making the application under this section.

“(C) Upon review of any modifications of an application set forth under subparagraph (B), the official notified of the modifications under this paragraph shall modify the application if such official determines that such modification is warranted. Such official shall supervise the making of any modification under this subparagraph. Except when disabled or otherwise unavailable to supervise the making of any modification under the preceding sentence, such official may not delegate the responsibility to supervise the making of any modification under that preceding sentence. Each such official shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event such official is disabled or otherwise unavailable to supervise the making of such modification.”.

(b) PROBABLE CAUSE.—Section 304 of that Act (50 U.S.C. 1824) is amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

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

“(b) In determining whether or not probable cause exists for purposes of an order under subsection (a)(3), a judge may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target.”.

SEC. 604. DISCLOSURE OF INFORMATION ACQUIRED UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 FOR LAW ENFORCEMENT PURPOSES.

(a) INCLUSION OF INFORMATION ON DISCLOSURE IN SEMIANNUAL OVERSIGHT REPORT.—Section 108(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)) is amended—

(1) by inserting “(1)” after “(a)”;

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

“(2) Each report under the first sentence of paragraph (1) shall include a description of—

“(A) each criminal case in which information acquired under this Act has been passed for law enforcement purposes during the period covered by such report; and

“(B) each criminal case in which information acquired under this Act has been authorized for use at trial during such reporting period.”.

(b) REPORT ON MECHANISMS FOR DETERMINATIONS OF DISCLOSURE OF INFORMATION FOR LAW ENFORCEMENT PURPOSES.—(1) The Attorney General shall submit to the appropriate committees of Congress a report on the authorities and procedures utilized by the Department of Justice for determining whether or not to disclose information acquired under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for law enforcement purposes.

(2) In this subsection, the term “appropriate committees of Congress” means the following:

(A) The Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

(B) The Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

SEC. 605. COORDINATION OF COUNTERINTELLIGENCE WITH THE FEDERAL BUREAU OF INVESTIGATION.

(a) TREATMENT OF CERTAIN SUBJECTS OF INVESTIGATION.—Subsection (c) of section 811 of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. 402a) is amended—

(1) in paragraphs (1) and (2), by striking “paragraph (3)” and inserting “paragraph (5)”;

(2) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (5), (6), (7), and (8), respectively;

(3) by inserting after paragraph (2) the following new paragraph (3):

“(3)(A) The Director of the Federal Bureau of Investigation shall submit to the head of the department or agency concerned a written assessment of the potential impact of the actions of the department or agency on a counterintelligence investigation.

“(B) The head of the department or agency concerned shall—

“(i) use an assessment under subparagraph (A) as an aid in determining whether, and under what circumstances, the subject of an investigation under paragraph (1) should be left in place for investigative purposes; and

“(ii) notify in writing the Director of the Federal Bureau of Investigation of such determination.

“(C) The Director of the Federal Bureau of Investigation and the head of the department or agency concerned shall continue to consult, as appropriate, to review the status of an investigation covered by this paragraph and to reassess, as appropriate, a determination of the head of the department or agency concerned to leave a subject in place for investigative purposes.”; and

(4) in paragraph (5), as so redesignated, by striking “paragraph (1) or (2)” and inserting “paragraph (1), (2), or (3)”.

(b) TIMELY PROVISION OF INFORMATION AND CONSULTATION ON ESPIONAGE INVESTIGATIONS.—Paragraph (2) of that subsection is further amended—

(1) by inserting “in a timely manner” after “through appropriate channels”; and

(2) by inserting “in a timely manner” after “are consulted”.

(c) INTERFERENCE WITH FULL FIELD ESPIONAGE INVESTIGATIONS.—That subsection is further amended by inserting after paragraph (3), as amended by subsection (a) of this section, the following new paragraph (4):

“(4)(A) The Federal Bureau of Investigation shall notify appropriate officials within the executive branch, including the head of the department or agency concerned, of the commencement of a full field espionage investigation with respect to an employee within the executive branch.

“(B)(i) A department or agency may not conduct a polygraph examination, interrogate, or otherwise take any action that is likely to alert an employee covered by a notice under subparagraph (A) of an investigation described in that subparagraph without prior coordination with the Federal Bureau of Investigation.

“(ii) Any examination, interrogation, or other action taken under clause (i) shall be taken in consultation with the Federal Bureau of Investigation.”.

SEC. 606. ENHANCING PROTECTION OF NATIONAL SECURITY AT THE DEPARTMENT OF JUSTICE.

(a) AUTHORIZATION FOR INCREASED RESOURCES TO FULFILL NATIONAL SECURITY MISSION OF THE DEPARTMENT OF JUSTICE.—There are authorized to be appropriated to

the Department of Justice for the activities of the Office of Intelligence Policy and Review to help meet the increased personnel demands to combat terrorism, process applications to the Foreign Intelligence Surveillance Court, participate effectively in counter-espionage investigations, provide policy analysis on national security issues, and enhance secure computer and telecommunications facilities—

- (1) \$7,000,000 for fiscal year 2001;
- (2) \$7,500,000 for fiscal year 2002; and
- (3) \$8,000,000 for fiscal year 2003.

(b) **AVAILABILITY OF FUNDS.**—(1) No funds authorized to be appropriated by subsection (a) for the Office of Intelligence Policy and Review may be obligated or expended until the later of the dates on which the Attorney General submits the reports required by paragraphs (2) and (3).

(2)(A) The Attorney General shall submit to the committees of Congress specified in subparagraph (B) a report on the manner in which the funds authorized to be appropriated by subsection (a) for the Office of Intelligence Policy and Review will be used by that Office—

(i) to improve and strengthen its oversight of Federal Bureau of Investigation field offices in the implementation of orders under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.); and

(ii) to streamline and increase the efficiency of the application process under that Act.

(B) The committees of Congress referred to in this subparagraph are the following:

(i) The Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

(ii) The Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

(3) In addition to the report required by paragraph (2), the Attorney General shall also submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report that addresses the issues identified in the semi-annual report of the Attorney General to such committees under section 108(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)) that was submitted in April 2000, including any corrective actions with regard to such issues. The report under this paragraph shall be submitted in classified form.

(4) Funds made available pursuant to subsection (a), in any fiscal year, shall remain available until expended.

(c) **REPORT ON COORDINATING NATIONAL SECURITY AND INTELLIGENCE FUNCTIONS WITHIN THE DEPARTMENT OF JUSTICE.**—The Attorney General shall report to the Select Committee on Intelligence and the Committee on the Judiciary of the Senate and the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives within 120 days on actions that have been or will be taken by the Department to—

(1) promote quick and efficient responses to national security issues;

(2) centralize a point-of-contact within the Department on national security matters for external entities and agencies; and

(3) coordinate the dissemination of intelligence information within the appropriate components of the Department and the formulation of policy on national security issues.

SEC. 607. COORDINATION REQUIREMENTS RELATING TO THE PROSECUTION OF CASES INVOLVING CLASSIFIED INFORMATION.

The Classified Information Procedures Act (18 U.S.C. App.) is amended by inserting after section 9 the following new section:

“COORDINATION REQUIREMENTS RELATING TO THE PROSECUTION OF CASES INVOLVING CLASSIFIED INFORMATION

“SEC. 9A. (a) BRIEFINGS REQUIRED.—The Assistant Attorney General for the Criminal Division and the appropriate United States Attorney, or the designees of such officials, shall provide briefings to the senior agency official, or the designee of such official, with respect to any case involving classified information that originated in the agency of such senior agency official.

“(b) TIMING OF BRIEFINGS.—Briefings under subsection (a) with respect to a case shall occur—

“(1) as soon as practicable after the Department of Justice and the United States Attorney concerned determine that a prosecution or potential prosecution could result; and

“(2) at such other times thereafter as are necessary to keep the senior agency official concerned fully and currently informed of the status of the prosecution.

“(c) SENIOR AGENCY OFFICIAL DEFINED.—In this section, the term ‘senior agency official’ has the meaning given that term in section 1.1 of Executive Order No. 12958.”.

SEC. 608. SEVERABILITY.

If any provision of this title (including an amendment made by this title), or the application thereof, to any person or circumstance, is held invalid, the remainder of this title (including the amendments made by this title), and the application thereof, to other persons or circumstances shall not be affected thereby.

FEINSTEIN AMENDMENT NO. 4282

Mr. BRYAN (for Mrs. FEINSTEIN) proposed an amendment to the bill, S. 2507, *supra*; as follows:

On page 37, after line 3, add the following:

TITLE VI—DISCLOSURE OF INFORMATION ON JAPANESE IMPERIAL ARMY

SEC. 601. SHORT TITLE.

This title may be cited as the “Japanese Imperial Army Disclosure Act”.

SEC. 602. ESTABLISHMENT OF JAPANESE IMPERIAL ARMY RECORDS INTERAGENCY WORKING GROUP.

(a) **DEFINITIONS.**—In this section:

(1) **AGENCY.**—The term “agency” has the meaning given such term under section 551 of title 5, United States Code.

(2) **INTERAGENCY GROUP.**—The term “Interagency Group” means the Japanese Imperial Army Records Interagency Working Group established under subsection (b).

(3) **JAPANESE IMPERIAL ARMY RECORDS.**—The term “Japanese Imperial Army records” means classified records or portions of records that pertain to any person with respect to whom the United States Government, in its sole discretion, has grounds to believe ordered, incited, assisted, or otherwise participated in the experimentation and persecution of any person because of race, religion, national origin, or political opinion, during the period beginning September 18, 1931, and ending on December 31, 1948, under the direction of, or in association with—

(A) the Japanese Imperial Army;

(B) any government in any area occupied by the military forces of the Japanese Imperial Army;

(C) any government established with the assistance or cooperation of the Japanese Imperial Army; or

(D) any government which was an ally of the Imperial Army of Japan.

(4) **RECORD.**—The term “record” means a Japanese Imperial Army record.

(b) **ESTABLISHMENT OF INTERAGENCY GROUP.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, the President shall establish the Japanese Imperial Army Records Interagency Working Group, which shall remain in existence for 3 years after the date the Interagency Group is established.

(2) **MEMBERSHIP.**—The President shall appoint to the Interagency Group individuals whom the President determines will most completely and effectively carry out the functions of the Interagency Group within the time limitations provided in this section, including the Historian of the Department of State, the Archivist of the United States, the head of any other agency the President considers appropriate, and no more than 3 other persons. The head of an agency appointed by the President may designate an appropriate officer to serve on the Interagency Group in lieu of the head of such agency.

(3) **INITIAL MEETING.**—Not later than 90 days after the date of the enactment of this Act, the Interagency Group shall hold an initial meeting and begin the functions required under this section.

(c) **FUNCTIONS.**—Not later than 1 year after the date of the enactment of this Act, the Interagency Group shall, to the greatest extent possible consistent with section 603—

(1) locate, identify, inventory, recommend for declassification, and make available to the public at the National Archives and Records Administration, all classified Japanese Imperial Army records of the United States;

(2) coordinate with agencies and take such actions as necessary to expedite the release of such records to the public; and

(3) submit a report to Congress, including the Committee on Government Reform and Oversight of the House of Representatives, the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on the Judiciary of the Senate, describing all such records, the disposition of such records, and the activities of the Interagency Group and agencies under this section.

(d) **FUNDING.**—There is authorized to be appropriated such sum as may be necessary to carry out the provisions of this title.

SEC. 603. REQUIREMENT OF DISCLOSURE OF RECORDS.

(a) **RELEASE OF RECORDS.**—Subject to subsections (b), (c), and (d), the Japanese Imperial Army Records Interagency Working Group shall release in their entirety Japanese Imperial Army records.

(b) **EXCEPTION FOR PRIVACY.**—An agency head may exempt from release under subsection (a) specific information, that would—

(1) constitute a clearly unwarranted invasion of personal privacy;

(2) reveal the identity of a confidential human source, or reveal information about the application of an intelligence source or method, or reveal the identity of a human intelligence source when the unauthorized disclosure of that source would clearly and demonstrably damage the national security interests of the United States;

(3) reveal information that would assist in the development or use of weapons of mass destruction;

(4) reveal information that would impair United States cryptologic systems or activities;

(5) reveal information that would impair the application of state-of-the-art technology within a United States weapon system;

(6) reveal actual United States military war plans that remain in effect;

(7) reveal information that would seriously and demonstrably impair relations between

the United States and a foreign government, or seriously and demonstrably undermine ongoing diplomatic activities of the United States;

(8) reveal information that would clearly, and demonstrably impair the current ability of United States Government officials to protect the President, Vice President, and other officials for whom protection services are authorized in the interest of national security;

(9) reveal information that would seriously and demonstrably impair current national security emergency preparedness plans; or

(10) violate a treaty or other international agreement.

(c) APPLICATIONS OF EXEMPTIONS.—

(1) IN GENERAL.—In applying the exemptions provided in paragraphs (2) through (10) of subsection (b), there shall be a presumption that the public interest will be served by disclosure and release of the records of the Japanese Imperial Army. The exemption may be asserted only when the head of the agency that maintains the records determines that disclosure and release would be harmful to a specific interest identified in the exemption. An agency head who makes such a determination shall promptly report it to the committees of Congress with appropriate jurisdiction, including the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on Government Reform and Oversight and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) APPLICATION OF TITLE 5.—A determination by an agency head to apply an exemption provided in paragraphs (2) through (9) of subsection (b) shall be subject to the same standard of review that applies in the case of records withheld under section 552(b)(1) of title 5, United States Code.

(d) LIMITATION ON EXEMPTIONS.—

(1) IN GENERAL.—The exemptions set forth in subsection (b) shall constitute the only grounds pursuant to which an agency head may exempt records otherwise subject to release under subsection (a).

(2) RECORDS RELATED TO INVESTIGATION OR PROSECUTIONS.—This section shall not apply to records—

(A) related to or supporting any active or inactive investigation, inquiry, or prosecution by the Office of Special Investigations of the Department of Justice; or

(B) solely in the possession, custody, or control of the Office of Special Investigations.

SEC. 604. EXPEDITED PROCESSING OF FOIA REQUESTS FOR JAPANESE IMPERIAL ARMY RECORDS.

For purposes of expedited processing under section 552(a)(6)(E) of title 5, United States Code, any person who was persecuted in the manner described in section 602(a)(3) and who requests a Japanese Imperial Army record shall be deemed to have a compelling need for such record.

SEC. 605. EFFECTIVE DATE.

The provisions of this title shall take effect on the date that is 90 days after the date of the enactment of this Act.

MOYNIHAN AMENDMENT NO. 4283

Mr. BRYAN (for Mr. MOYNIHAN) proposed an amendment to the bill (S. 2507) supra; as follows:

On page 37, after line 3, add the following:

TITLE VI—DECLASSIFICATION OF INFORMATION

SEC. 601. SHORT TITLE.

This title may be cited as the “Public Interest Declassification Act of 2000”.

SEC. 602. FINDINGS.

Congress makes the following findings:

(1) It is in the national interest to establish an effective, coordinated, and cost-effective means by which records on specific subjects of extraordinary public interest that do not undermine the national security interests of the United States may be collected, retained, reviewed, and disseminated to Congress, policymakers in the executive branch, and the public.

(2) Ensuring, through such measures, public access to information that does not require continued protection to maintain the national security interests of the United States is a key to striking the balance between secrecy essential to national security and the openness that is central to the proper functioning of the political institutions of the United States.

SEC. 603. PUBLIC INTEREST DECLASSIFICATION BOARD.

(a) ESTABLISHMENT.—There is established within the executive branch of the United States a board to be known as the “Public Interest Declassification Board” (in this title referred to as the “Board”).

(b) PURPOSES.—The purposes of the Board are as follows:

(1) To advise the President, the Assistant to the President for National Security Affairs, the Director of the Office of Management and Budget, and such other executive branch officials as the Board considers appropriate on the systematic, thorough, coordinated, and comprehensive identification, collection, review for declassification, and release to Congress, interested agencies, and the public of declassified records and materials (including donated historical materials) that are of archival value, including records and materials of extraordinary public interest.

(2) To promote the fullest possible public access to a thorough, accurate, and reliable documentary record of significant United States national security decisions and significant United States national security activities in order to—

(A) support the oversight and legislative functions of Congress;

(B) support the policymaking role of the executive branch;

(C) respond to the interest of the public in national security matters; and

(D) promote reliable historical analysis and new avenues of historical study in national security matters.

(3) To provide recommendations to the President for the identification, collection, and review for declassification of information of extraordinary public interest that does not undermine the national security of the United States, to be undertaken in accordance with a declassification program that has been established or may be established by the President by Executive Order.

(4) To advise the President, the Assistant to the President for National Security Affairs, the Director of the Office of Management and Budget, and such other executive branch officials as the Board considers appropriate on policies deriving from the issuance by the President of Executive Orders regarding the classification and declassification of national security information.

(c) MEMBERSHIP.—(1) The Board shall be composed of nine individuals appointed from among citizens of the United States who are preeminent in the fields of history, national security, foreign policy, intelligence policy, social science, law, or archives, including individuals who have served in Congress or otherwise in the Federal Government or have otherwise engaged in research, scholarship, or publication in such fields on matters relating to the national security of the United States, of whom—

(A) five shall be appointed by the President;

(B) one shall be appointed by the Majority Leader of the Senate;

(C) one shall be appointed by the Minority Leader of the Senate;

(D) one shall be appointed by the Speaker of the House of Representatives; and

(E) one shall be appointed by the Minority Leader of the House of Representatives.

(2)(A) Of the members initially appointed to the Board, three shall be appointed for a term of four years, three shall be appointed for a term of three years, and three shall be appointed for a term of two years.

(B) Any subsequent appointment to the Board shall be for a term of three years.

(3) A vacancy in the Board shall be filled in the same manner as the original appointment. A member of the Board appointed to fill a vacancy before the expiration of a term shall serve for the remainder of the term.

(4) A member of the Board may be appointed to a new term on the Board upon the expiration of the member's term on the Board, except that no member may serve more than three full terms on the Board.

(d) CHAIRPERSON; EXECUTIVE SECRETARY.—

(1)(A) The President shall designate one of the members of the Board as the Chairperson of the Board.

(B) The term of service as Chairperson of the Board shall be two years.

(C) A member serving as Chairperson of the Board may be re-designated as Chairperson of the Board upon the expiration of the member's term as Chairperson of the Board, except that no member shall serve as Chairperson of the Board for more than six years.

(2) The Director of the Information Security Oversight Office shall serve as the Executive Secretary of the Board.

(e) MEETINGS.—The Board shall meet as needed to accomplish its mission, consistent with the availability of funds. A majority of the members of the Board shall constitute a quorum.

(f) STAFF.—Any employee of the Federal Government may be detailed to the Board, with the agreement of and without reimbursement to the detailing agency, and such detail shall be without interruption or loss of civil, military, or foreign service status or privilege.

(g) SECURITY.—(1) The members and staff of the Board shall, as a condition of appointment to or employment with the Board, hold appropriate security clearances for access to the classified records and materials to be reviewed by the Board or its staff, and shall follow the guidance and practices on security under applicable Executive Orders and agency directives.

(2) The head of an agency shall, as a condition of granting access to a member of the Board, the Executive Secretary of the Board, or a member of the staff of the Board to classified records or materials of the agency under this title, require the member, the Executive Secretary, or the member of the staff, as the case may be, to—

(A) execute an agreement regarding the security of such records or materials that is approved by the head of the agency; and

(B) hold an appropriate security clearance granted or recognized under the standard procedures and eligibility criteria of the agency, including any special access approval required for access to such records or materials.

(3) The members of the Board, the Executive Secretary of the Board, and the members of the staff of the Board may not use any information acquired in the course of their official activities on the Board for non-official purposes.

(4) For purposes of any law or regulation governing access to classified information that pertains to the national security of the United States, and subject to any limitations on access arising under section 606(b),

and to facilitate the advisory functions of the Board under this title, a member of the Board seeking access to a record or material under this title shall be deemed for purposes of this subsection to have a need to know the contents of the record or material.

(h) **COMPENSATION.**—(1) Each member of the Board shall receive compensation at a rate not to exceed the daily equivalent of the annual rate of basic pay payable for positions at ES-1 of the Senior Executive Service under section 5382 of title 5, United States Code, for each day such member is engaged in the actual performance of duties of the Board.

(2) Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of the duties of the Board.

(i) **GUIDANCE; ANNUAL BUDGET.**—(1) On behalf of the President, the Assistant to the President for National Security Affairs shall provide guidance on policy to the Board.

(2) The Executive Secretary of the Board, under the direction of the Chairperson of the Board and the Board, and acting in consultation with the Archivist of the United States, the Assistant to the President for National Security Affairs, and the Director of the Office of Management and Budget, shall prepare the annual budget of the Board.

(j) **SUPPORT.**—The Information Security Oversight Office may support the activities of the Board under this title. Such support shall be provided on a reimbursable basis.

(k) **PUBLIC AVAILABILITY OF RECORDS AND REPORTS.**—(1) The Board shall make available for public inspection records of its proceedings and reports prepared in the course of its activities under this title to the extent such records and reports are not classified and would not be exempt from release under the provisions of section 552 of title 5, United States Code.

(2) In making records and reports available under paragraph (1), the Board shall coordinate the release of such records and reports with appropriate officials from agencies with expertise in classified information in order to ensure that such records and reports do not inadvertently contain classified information.

(l) **APPLICABILITY OF CERTAIN ADMINISTRATIVE LAWS.**—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Board under this title. However, the records of the Board shall be governed by the provisions of the Federal Records Act of 1950.

SEC. 604. IDENTIFICATION, COLLECTION, AND REVIEW FOR DECLASSIFICATION OF INFORMATION OF ARCHIVAL VALUE OR EXTRAORDINARY PUBLIC INTEREST.

(a) **BRIEFINGS ON AGENCY DECLASSIFICATION PROGRAMS.**—(1) As requested by the Board, or by the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives, the head of any agency with the authority under an Executive Order to classify information shall provide to the Board, the Select Committee on Intelligence of the Senate, or the Permanent Select Committee on Intelligence of the House of Representatives, on an annual basis, a summary briefing and report on such agency's progress and plans in the declassification of national security information. Such briefing shall cover the declassification goals set by statute, regulation, or policy, the agency's progress with respect to such goals, and the agency's planned goals and priorities for its declassification activities over the next two

fiscal years. Agency briefings and reports shall give particular attention to progress on the declassification of records and materials that are of archival value or extraordinary public interest to the people of the United States.

(2)(A) The annual briefing and report under paragraph (1) for agencies within the Department of Defense, including the military departments, and the elements of the intelligence community shall be provided on a consolidated basis.

(B) In this paragraph, the term "elements of the intelligence community" means the elements of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(b) **RECOMMENDATIONS ON AGENCY DECLASSIFICATION PROGRAMS.**—(1) Upon reviewing and discussing declassification plans and progress with an agency, the Board shall provide to the head of the agency the written recommendations of the Board as to how the agency's declassification program could be improved. A copy of each recommendation shall also be submitted to the Assistant to the President for National Security Affairs and the Director of the Office of Management and Budget.

(2) Consistent with the provisions of section 603(k), the Board's recommendations to the head of an agency under paragraph (1) shall become public 60 days after such recommendations are sent to the head of the agency under that paragraph.

(c) **RECOMMENDATIONS ON SPECIAL SEARCHES FOR RECORDS OF EXTRAORDINARY PUBLIC INTEREST.**—(1) The Board shall also make recommendations to the President regarding proposed initiatives to identify, collect, and review for declassification classified records and materials of extraordinary public interest.

(2) In making recommendations under paragraph (1), the Board shall consider the following:

(A) The opinions and requests of Members of Congress, including opinions and requests expressed or embodied in letters or legislative proposals.

(B) The opinions and requests of the National Security Council, the Director of Central Intelligence, and the heads of other agencies.

(C) The opinions of United States citizens.

(D) The opinions of members of the Board.

(E) The impact of special searches on systematic and all other on-going declassification programs.

(F) The costs (including budgetary costs) and the impact that complying with the recommendations would have on agency budgets, programs, and operations.

(G) The benefits of the recommendations.

(H) The impact of compliance with the recommendations on the national security of the United States.

(d) **PRESIDENT'S DECLASSIFICATION PRIORITIES.**—(1) Concurrent with the submission to Congress of the budget of the President each fiscal year under section 1105 of title 31, United States Code, the Director of the Office of Management and Budget shall publish a description of the President's declassification program and priorities, together with a listing of the funds requested to implement that program.

(2) Nothing in this title shall be construed to substitute or supersede, or establish a funding process for, any declassification program that has been established or may be established by the President by Executive Order.

SEC. 605. PROTECTION OF NATIONAL SECURITY INFORMATION AND OTHER INFORMATION.

(a) **IN GENERAL.**—Nothing in this title shall be construed to limit the authority of the

head of an agency to classify information or to continue the classification of information previously classified by an agency.

(b) **SPECIAL ACCESS PROGRAMS.**—Nothing in this title shall be construed to limit the authority of the head of an agency to grant or deny access to a special access program.

(c) **AUTHORITIES OF DIRECTOR OF CENTRAL INTELLIGENCE.**—Nothing in this title shall be construed to limit the authorities of the Director of Central Intelligence as the head of the intelligence community, including the Director's responsibility to protect intelligence sources and methods from unauthorized disclosure as required by section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(6)).

(d) **EXEMPTIONS TO RELEASE OF INFORMATION.**—Nothing in this title shall be construed to limit any exemption or exception to the release to the public under this title of information that is protected under section 552(b) of title 5, United States Code (commonly referred to as the "Freedom of Information Act"), or section 552a of title 5, United States Code (commonly referred to as the "Privacy Act").

(e) **WITHHOLDING INFORMATION FROM CONGRESS.**—Nothing in this title shall be construed to authorize the withholding of information from Congress.

SEC. 606. STANDARDS AND PROCEDURES.

(a) **LIAISON.**—(1) The head of each agency with the authority under an Executive Order to classify information and the head of each Federal Presidential library shall designate an employee of such agency or library, as the case may be, to act as liaison to the Board for purposes of this title.

(2) The Board may establish liaison and otherwise consult with such other historical and advisory committees as the Board considers appropriate for purposes of this title.

(b) **LIMITATIONS ON ACCESS.**—(1)(A) Except as provided in paragraph (2), if the head of an agency or the head of a Federal Presidential library determines it necessary to deny or restrict access of the Board, or of the agency or library liaison to the Board, to information contained in a record or material, in whole or in part, the head of the agency or the head of the library, as the case may be, shall promptly notify the Board in writing of such determination.

(B) Each notice to the Board under subparagraph (A) shall include a description of the nature of the records or materials, and a justification for the determination, covered by such notice.

(2) In the case of a determination referred to in paragraph (1) with respect to a special access program created by the Secretary of Defense, the Director of Central Intelligence, or the head of any other agency, the notification of denial of access under paragraph (1), including a description of the nature of the Board's request for access, shall be submitted to the Assistant to the President for National Security Affairs rather than to the Board.

(c) **DISCRETION TO DISCLOSE.**—At the conclusion of a declassification review, the head of an agency may, in the discretion of the head of the agency, determine that the public's interest in the disclosure of records or materials of the agency covered by such review, and still properly classified, outweighs the Government's need to protect such records or materials, and may release such records or materials in accordance with the provisions of Executive Order 12958 or any successor order to such Executive Order.

(d) **DISCRETION TO PROTECT.**—At the conclusion of a declassification review, the head of an agency may, in the discretion of the head of the agency, determine that the interest of the agency in the protection of records

or materials of the agency covered by such review, and still properly classified, outweighs the public's need for access to such records or materials, and may deny release of such records or materials in accordance with the provisions of Executive Order 12958 or any successor order to such Executive Order.

(e) **REPORTS.**—(1)(A) Except as provided in paragraph (2), the Board shall annually submit to the appropriate congressional committees a report on the activities of the Board under this title, including summary information regarding any denials by the head of an agency or the head of a Federal Presidential library of access of the Board to records or materials under this title.

(B) In this paragraph, the term "appropriate congressional committees" means the Select Committee on Intelligence and the Committee on Governmental Affairs of the Senate and the Permanent Select Committee on Intelligence and the Committee on Government Reform and Oversight of the House of Representatives.

(2) Notwithstanding paragraph (1), notice that the Board has been denied access to records and materials, and a justification for the determination in support of the denial, shall be submitted by the agency denying the access as follows:

(A) In the case of the denial of access to a special access program created by the Secretary of Defense, to the Committees on Armed Services and Appropriations of the Senate and to the Committees on Armed Services and Appropriations of the House of Representatives.

(B) In the case of the denial of access to a special access program created by the Director of Central Intelligence, or by the head of any other agency (including the Department of Defense) if the special access program pertains to intelligence activities, or of access to any information and materials relating to intelligence sources and methods, to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(C) In the case of the denial of access to a special access program created by the Secretary of Energy or the Administrator for Nuclear Security, to the Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate and to the Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 607. JUDICIAL REVIEW.

Nothing in this title limits the protection afforded to any information under any other provision of law. This title is not intended and may not be construed to create any right or benefit, substantive or procedural, enforceable at law against the United States, its agencies, its officers, or its employees. This title does not modify in any way the substantive criteria or procedures for the classification of information, nor does this title create any right or benefit subject to judicial review.

SEC. 608. FUNDING.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is hereby authorized to be appropriated to carry out the provisions of this title amounts as follows:

(1) For fiscal year 2001, \$650,000.

(2) For each fiscal year after fiscal year 2001, such sums as may be necessary for such fiscal year.

(b) **FUNDING REQUESTS.**—The President shall include in the budget submitted to Congress for each fiscal year under section 1105 of title 31, United States Code, a request for amounts for the activities of the Board under this title during such fiscal year.

SEC. 609. DEFINITIONS.

In this title:

(1) **AGENCY.**—(A) Except as provided in subparagraph (B), the term "agency" means the following:

(i) An executive agency, as that term is defined in section 105 of title 5, United States Code.

(ii) A military department, as that term is defined in section 102 of such title.

(iii) Any other entity in the executive branch that comes into the possession of classified information.

(B) The term does not include the Board.

(2) **CLASSIFIED MATERIAL OR RECORD.**—The terms "classified material" and "classified record" include any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microfilm, sound recording, videotape, machine readable records, and other documentary material, regardless of physical form or characteristics, that has been determined pursuant to Executive Order to require protection against unauthorized disclosure in the interests of the national security of the United States.

(3) **DECLASSIFICATION.**—The term "declassification" means the process by which records or materials that have been classified are determined no longer to require protection from unauthorized disclosure to protect the national security of the United States.

(4) **DONATED HISTORICAL MATERIAL.**—The term "donated historical material" means collections of personal papers donated or given to a Federal Presidential library or other archival repository under a deed of gift or otherwise.

(5) **FEDERAL PRESIDENTIAL LIBRARY.**—The term "Federal Presidential library" means a library operated and maintained by the United States Government through the National Archives and Records Administration under the applicable provisions of chapter 21 of title 44, United States Code.

(6) **NATIONAL SECURITY.**—The term "national security" means the national defense or foreign relations of the United States.

(7) **RECORDS OR MATERIALS OF EXTRAORDINARY PUBLIC INTEREST.**—The term "records or materials of extraordinary public interest" means records or materials that—

(A) demonstrate and record the national security policies, actions, and decisions of the United States, including—

(i) policies, events, actions, and decisions which led to significant national security outcomes; and

(ii) the development and evolution of significant United States national security policies, actions, and decisions;

(B) will provide a significantly different perspective in general from records and materials publicly available in other historical sources; and

(C) would need to be addressed through ad hoc record searches outside any systematic declassification program established under Executive Order.

(8) **RECORDS OF ARCHIVAL VALUE.**—The term "records of archival value" means records that have been determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the Federal Government.

SEC. 610. SUNSET.

The provisions of this title shall expire four years after the date of the enactment of this Act, unless reauthorized by statute.

KERREY AMENDMENT NO. 4284

Mr. BRYAN (for Mr. KERREY) proposed an amendment to the bill, S. 2507, *supra*; as follows:

At the end of title III, add the following:

SEC. 3. DESIGNATION OF DANIEL PATRICK MOYNIHAN PLACE.

(a) **FINDINGS.**—Congress finds that—

(1) during the second half of the twentieth century, Senator Daniel Patrick Moynihan promoted the importance of architecture and urban planning in the Nation's Capital, particularly with respect to the portion of Pennsylvania Avenue between the White House and the United States Capitol (referred to in this subsection as the "Avenue");

(2) Senator Moynihan has stressed the unique significance of the Avenue as conceived by Pierre Charles L'Enfant to be the "grand axis" of the Nation's Capital as well as a symbolic representation of the separate yet unified branches of the United States Government;

(3) through his service to the Ad Hoc Committee on Federal Office Space (1961–1962), as a member of the President's Council on Pennsylvania Avenue (1962–1964), and as vice-chairman of the President's Temporary Commission on Pennsylvania Avenue (1965–1969), and in his various capacities in the executive and legislative branches, Senator Moynihan has consistently and creatively sought to fulfill President Kennedy's recommendation of June 1, 1962, that the Avenue not become a "solid phalanx of public and private office buildings which close down completely at night and on weekends," but that it be "lively, friendly, and inviting, as well as dignified and impressive";

(4)(A) Senator Moynihan helped draft a Federal architectural policy, known as the "Guiding Principles for Federal Architecture," that recommends a choice of designs that are "efficient and economical" and that provide "visual testimony to the dignity, enterprise, vigor, and stability" of the United States Government; and

(B) the Guiding Principles for Federal Architecture further state that the "development of an official style must be avoided. Design must flow from the architectural profession to the Government, and not vice versa.";

(5) Senator Moynihan has encouraged—

(A) the construction of new buildings along the Avenue, such as the Ronald Reagan Building and International Trade Center; and

(B) the establishment of an academic institution along the Avenue, namely the Woodrow Wilson International Center for Scholars, a living memorial to President Wilson; and

(6) as Senator Moynihan's service in the Senate concludes, it is appropriate to commemorate his legacy of public service and his commitment to thoughtful urban design in the Nation's Capital.

(b) **DESIGNATION.**—The parcel of land located in the northwest quadrant of Washington, District of Columbia, and described in subsection (c) shall be known and designated as "Daniel Patrick Moynihan Place".

(c) **BOUNDARIES.**—The parcel of land described in this subsection is the portion of Woodrow Wilson Plaza (as designated by Public Law 103-284 (108 Stat. 1448)) that is bounded—

(1) on the west by the eastern facade of the Ronald Reagan Building and International Trade Center;

(2) on the east by the western facade of the Ariel Rios Building;

(3) on the north by the southern edge of the sidewalk abutting Pennsylvania Avenue; and

(4) on the south by the line that, bisecting the atrium of the Ronald Reagan Building and International Trade Center, continues east to bisect the western hemicycle of the Ariel Rios Building.

(d) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the parcel of land described in subsection (c) shall be deemed to be a reference to Daniel Patrick Moynihan Place.

SHELBY AMENDMENT NO. 4285

Mr. LOTT (for Mr. SHELBY) proposed an amendment to the bill, S. 2507, supra, as follows:

On page 10, strike line 11 and all that follows through page 12, line 2, and insert the following:

“(a) PROHIBITION.—Whoever, being an officer or employee of the United States, a former or retired officer or employee of the United States, any other person with authorized access to classified information, or any other person formerly with authorized access to classified information, knowingly and willfully discloses, or attempts to disclose, any classified information acquired as a result of such person’s authorized access to classified information to a person (other than an officer or employee of the United States) who is not authorized access to such classified information, knowing that the person is not authorized access to such classified information, shall be fined under this title, imprisoned not more than 3 years, or both.

“(b) CONSTRUCTION OF PROHIBITION.—Nothing in this section shall be construed to establish criminal liability for disclosure of classified information in accordance with applicable law to the following:

“(1) Any justice or judge of a court of the United States established pursuant to article III of the Constitution of the United States.

“(2) The Senate or House of Representatives, or any committee or subcommittee thereof, or joint committee thereof, or any member of Congress.

“(3) A person or persons acting on behalf of a foreign power (including an international organization) if the disclosure—

“(A) is made by an officer or employee of the United States who has been authorized to make the disclosure; and

“(B) is within the scope of such officer’s or employee’s duties.

“(4) Any other person authorized to receive the classified information.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘authorized’, in the case of access to classified information, means having authority or permission to have access to the classified information pursuant to the provisions of a statute, Executive Order, regulation, or directive of the head of any department or agency who is empowered to classify information, an order of any United States court, or a provision of any Resolution of the Senate or Rule of the House of Representatives which governs release of classified information by such House of Congress.

“(2) The term ‘classified information’ means information or material properly classified and clearly marked or represented, or that the person knows or has reason to believe has been properly classified by appropriate authorities, pursuant to the provisions of a statute or Executive Order, as requiring protection against unauthorized disclosure for reasons of national security.

On page 12, strike line 21 and all that follows through page 13, line 16, and insert the following:

“SEC. 115. (a) REQUIREMENT.—(1) The Director of Central Intelligence shall, in consultation with the Secretary of Defense, establish and maintain in the intelligence community an analytic capability with responsibility for intelligence in support of the activities of

the United States relating to unaccounted for United States personnel.

“(2) The analytic capability maintained under paragraph (1) shall be known as the ‘POW/MIA analytic capability of the intelligence community’.

“(b) SCOPE OF RESPONSIBILITY.—The responsibilities of the analytic capability maintained under subsection (a) shall—

“(1) extend to any activities of the Federal Government with respect to unaccounted for United States personnel after December 31, 1999; and

“(2) include support for any department or agency of the Federal Government engaged in such activities.

“(c) UNACCOUNTED FOR UNITED STATES PERSONNEL DEFINED.—In this section, the term ‘unaccounted for United States personnel’ means the following:

“(1) Any missing person (as that term is defined in section 1513(1) of title 10, United States Code).

“(2) Any United States national who was killed while engaged in activities on behalf of the United States Government and whose remains have not been repatriated to the United States.”

On page 14, beginning on line 11, strike “acting at their direction”.

On page 14, line 13, insert “, and at the direction of,” after “on behalf of”.

On page 14, line 16, strike “AUTHORIZED ACTIVITIES.—An activity” and insert “AUTHORIZED INTELLIGENCE ACTIVITIES.—An intelligence activity”.

On page 14, line 18, insert “intelligence” before “activity”.

On page 15, beginning on line 9, strike “, and all applicable Executive Orders.”.

On page 15, line 11, strike “materials” and insert “material”.

On page 15, line 15, strike “and Executive Orders”.

On page 15, line 18, strike “or Executive Order”.

On page 15, line 22, strike “or Executive Order”.

On page 15, strike line 25 and all that follows through page 16, line 16, and insert the following:

(d) EFFECTS OF CERTIFICATION OF NON-FULL COMPLIANCE.—(1) Subject to subsection (e), effective as of January 1, 2001, a covered element of the Department of State

On page 16, line 20, strike “and Executive Orders”.

On page 16, strike lines 22 and 23 and insert the following:

(2) If the prohibition in paragraph (1) takes effect in accordance with that paragraph, the prohibition

On page 17, beginning on line 1, strike “and Executive Orders”.

On page 17, strike line 3 and insert the following:

(e) WAIVER BY DIRECTOR OF CENTRAL INTELLIGENCE.—(1) The Director of Central Intelligence may

On page 17, beginning on line 4, strike “subsection (d)(2)” and insert “subsection (d)”.

On page 17, line 6, strike “the President” and insert “the Director”.

On page 17, line 9, strike “The President” and insert “The Director”.

On page 17, between lines 17 and 18, insert the following:

(C) The actions, if any, that will be taken to bring such element into full compliance with the directives referred to in subsection (a), including a schedule for completion of such actions.

On page 17, line 18, strike “(C) The actions taken by the President” and insert “(D) The actions taken by the Director”.

On page 17, line 20, insert before the period the following: “pending achievement of full

compliance of such element with such directives”.

SMALL BUSINESS INNOVATION RESEARCH PROGRAM REAUTHORIZATION ACT OF 2000

BOND (AND KERRY) AMENDMENT NO. 4286

Mr. KYL (for Mr. BOND (for himself and Mr. KERRY)) proposed an amendment to the House amendment to the Senate amendment 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; 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 “Small Business Reauthorization Act of 2000”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SMALL BUSINESS INNOVATION RESEARCH PROGRAM

Sec. 101. Short title.

Sec. 102. Findings.

Sec. 103. Extension of SBIR program.

Sec. 104. Annual report.

Sec. 105. Third phase assistance.

Sec. 106. Report on programs for annual performance plan.

Sec. 107. Output and outcome data.

Sec. 108. National Research Council reports.

Sec. 109. Federal agency expenditures for the SBIR program.

Sec. 110. Policy directive modifications.

Sec. 111. Federal and State technology partnership program.

Sec. 112. Mentoring networks.

Sec. 113. Simplified reporting requirements.

Sec. 114. Rural outreach program extension.

TITLE II—GENERAL BUSINESS LOAN PROGRAM

Sec. 201. Short title.

Sec. 202. Levels of participation.

Sec. 203. Loan amounts.

Sec. 204. Interest on defaulted loans.

Sec. 205. Prepayment of loans.

Sec. 206. Guarantee fees.

Sec. 207. Lease terms.

Sec. 208. Microloan program.

TITLE III—CERTIFIED DEVELOPMENT COMPANY PROGRAM

Sec. 301. Short title.

Sec. 302. Women-owned businesses.

Sec. 303. Maximum debenture size.

Sec. 304. Fees.

Sec. 305. Premier certified lenders program.

Sec. 306. Sale of certain defaulted loans.

Sec. 307. Loan liquidation.

TITLE IV—CORRECTIONS TO THE SMALL BUSINESS INVESTMENT ACT OF 1958

Sec. 401. Short title.

Sec. 402. Definitions.

Sec. 403. Investment in small business investment companies.

Sec. 404. Subsidy fees.

Sec. 405. Distributions.

Sec. 406. Conforming amendment.

TITLE V—REAUTHORIZATION OF SMALL BUSINESS PROGRAMS

Sec. 501. Short title.

Sec. 502. Reauthorization of small business programs.

Sec. 503. Additional reauthorizations.

Sec. 504. Cosponsorship.

TITLE VI—HUBZONE PROGRAM

Subtitle A—HUBZones in Native America

- Sec. 601. Short title.
 Sec. 602. HUBZone small business concern.
 Sec. 603. Qualified HUBZone small business concern.
 Sec. 604. Other definitions.

Subtitle B—Other HUBZone Provisions

- Sec. 611. Definitions.
 Sec. 612. Eligible contracts.
 Sec. 613. HUBZone redesignated areas.
 Sec. 614. Community development.
 Sec. 615. Reference corrections.

TITLE VII—NATIONAL WOMEN'S BUSINESS COUNCIL REAUTHORIZATION

- Sec. 701. Short title.
 Sec. 702. Duties of the Council.
 Sec. 703. Membership of the Council.
 Sec. 704. Repeal of procurement project; State and local economic networks.
 Sec. 705. Studies and other research.
 Sec. 706. Authorization of appropriations.

TITLE VIII—MISCELLANEOUS PROVISIONS

- Sec. 801. Loan application processing.
 Sec. 802. Application of ownership requirements.
 Sec. 803. Subcontracting preference for veterans.
 Sec. 804. Small business development center program funding.
 Sec. 805. Surety bonds.
 Sec. 806. Size standards.
 Sec. 807. Native American small business development centers.

TITLE I—SMALL BUSINESS INNOVATION RESEARCH PROGRAM

SECTION 101. SHORT TITLE.

(a) SHORT TITLE.—This title may be cited as the “Small Business Innovation Research Program Reauthorization Act of 2000”.

SEC. 102. FINDINGS.

Congress finds that—

(1) the small business innovation research program established under the Small Business Innovation Development Act of 1982, and reauthorized by the Small Business Research and Development Enhancement Act of 1992 (in this Act referred to as the “SBIR program”) is highly successful in involving small businesses in federally funded research and development;

(2) the SBIR program made the cost-effective and unique research and development capabilities possessed by the small businesses of the Nation available to Federal agencies and departments;

(3) the innovative goods and services developed by small businesses that participated in the SBIR program have produced innovations of critical importance in a wide variety of high-technology fields, including biology, medicine, education, and defense;

(4) the SBIR program is a catalyst in the promotion of research and development, the commercialization of innovative technology, the development of new products and services, and the continued excellence of this Nation's high-technology industries; and

(5) the continuation of the SBIR program will provide expanded opportunities for one of the Nation's vital resources, its small businesses, will foster invention, research, and technology, will create jobs, and will increase this Nation's competitiveness in international markets.

SEC. 103. EXTENSION OF SBIR PROGRAM.

Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended to read as follows:

“(m) TERMINATION.—The authorization to carry out the Small Business Innovation Research Program established under this section shall terminate on September 30, 2008.”.

SEC. 104. ANNUAL REPORT.

Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)) is amended by striking

“and the Committee on Small Business of the House of Representatives” and inserting “, and to the Committee on Science and the Committee on Small Business of the House of Representatives,”.

SEC. 105. THIRD PHASE ASSISTANCE.

Section 9(e)(4)(C)(i) of the Small Business Act (15 U.S.C. 638(e)(4)(C)(i)) is amended by striking “; and” and inserting “; or”.

SEC. 106. REPORT ON PROGRAMS FOR ANNUAL PERFORMANCE PLAN.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(9) include, as part of its annual performance plan as required by subsections (a) and (b) of section 1115 of title 31, United States Code, a section on its SBIR program, and shall submit such section to the Committee on Small Business of the Senate, and the Committee on Science and the Committee on Small Business of the House of Representatives; and”.

SEC. 107. OUTPUT AND OUTCOME DATA.

(a) COLLECTION.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)), as amended by section 106 of this Act, is further amended by adding at the end the following:

“(10) collect, and maintain in a common format in accordance with subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k).”.

(b) REPORT TO CONGRESS.—Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)), as amended by section 104 of this Act, is further amended by inserting before the period at the end “, including the data on output and outcomes collected pursuant to subsections (g)(10) and (o)(9), and a description of the extent to which Federal agencies are providing in a timely manner information needed to maintain the database described in subsection (k)”.

(c) DATABASE.—Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended to read as follows:

“(k) DATABASE.—

“(1) PUBLIC DATABASE.—Not later than 180 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall develop, maintain, and make available to the public a searchable, up-to-date, electronic database that includes—

“(A) the name, size, location, and an identifying number assigned by the Administrator, of each small business concern that has received a first phase or second phase SBIR award from a Federal agency;

“(B) a description of each first phase or second phase SBIR award received by that small business concern, including—

“(i) an abstract of the project funded by the award, excluding any proprietary information so identified by the small business concern;

“(ii) the Federal agency making the award; and

“(iii) the date and amount of the award;

“(C) an identification of any business concern or subsidiary established for the commercial application of a product or service for which an SBIR award is made; and

“(D) information regarding mentors and Mentoring Networks, as required by section 35(d).

“(2) GOVERNMENT DATABASE.—Not later than 180 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Ad-

ministrator, in consultation with Federal agencies required to have an SBIR program pursuant to subsection (f)(1), shall develop and maintain a database to be used solely for SBIR program evaluation that—

“(A) contains for each second phase award made by a Federal agency—

“(i) information collected in accordance with paragraph (3) on revenue from the sale of new products or services resulting from the research conducted under the award;

“(ii) information collected in accordance with paragraph (3) on additional investment from any source, other than first phase or second phase SBIR or STTR awards, to further the research and development conducted under the award; and

“(iii) any other information received in connection with the award that the Administrator, in conjunction with the SBIR program managers of Federal agencies, considers relevant and appropriate;

“(B) includes any narrative information that a small business concern receiving a second phase award voluntarily submits to further describe the outputs and outcomes of its awards;

“(C) includes for each applicant for a first phase or second phase award that does not receive such an award—

“(i) the name, size, and location, and an identifying number assigned by the Administration;

“(ii) an abstract of the project; and

“(iii) the Federal agency to which the application was made;

“(D) includes any other data collected by or available to any Federal agency that such agency considers may be useful for SBIR program evaluation; and

“(E) is available for use solely for program evaluation purposes by the Federal Government or, in accordance with policy directives issued by the Administration, by other authorized persons who are subject to a use and nondisclosure agreement with the Federal Government covering the use of the database.

“(3) UPDATING INFORMATION FOR DATABASE.—

“(A) IN GENERAL.—A small business concern applying for a second phase award under this section shall be required to update information in the database established under this subsection for any prior second phase award received by that small business concern. In complying with this paragraph, a small business concern may apportion sales or additional investment information relating to more than one second phase award among those awards, if it notes the apportionment for each award.

“(B) ANNUAL UPDATES UPON TERMINATION.—A small business concern receiving a second phase award under this section shall—

“(i) update information in the database concerning that award at the termination of the award period; and

“(ii) be requested to voluntarily update such information annually thereafter for a period of 5 years.

“(4) PROTECTION OF INFORMATION.—Information provided under paragraph (2) shall be considered privileged and confidential and not subject to disclosure pursuant to section 552 of title 5, United States Code.

“(5) RULE OF CONSTRUCTION.—Inclusion of information in the database under this subsection shall not be considered to be publication for purposes of subsection (a) or (b) of section 102 of title 35, United States Code.”.

SEC. 108. NATIONAL RESEARCH COUNCIL REPORTS.

(a) STUDY AND RECOMMENDATIONS.—The head of each agency with a budget of more than \$50,000,000 for its SBIR program for fiscal year 1999, in consultation with the Small Business Administration, shall, not later

than 6 months after the date of enactment of this Act, cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to—

(1) conduct a comprehensive study of how the SBIR program has stimulated technological innovation and used small businesses to meet Federal research and development needs, including—

(A) a review of the value to the Federal research agencies of the research projects being conducted under the SBIR program, and of the quality of research being conducted by small businesses participating under the program, including a comparison of the value of projects conducted under the SBIR program to those funded by other Federal research and development expenditures;

(B) to the extent practicable, an evaluation of the economic benefits achieved by the SBIR program, including the economic rate of return, and a comparison of the economic benefits, including the economic rate of return, achieved by the SBIR program with the economic benefits, including the economic rate of return, of other Federal research and development expenditures;

(C) an evaluation of the noneconomic benefits achieved by the SBIR program over the life of the program;

(D) a comparison of the allocation for fiscal year 2000 of Federal research and development funds to small businesses with such allocation for fiscal year 1983, and an analysis of the factors that have contributed to such allocation; and

(E) an analysis of whether Federal agencies, in fulfilling their procurement needs, are making sufficient effort to use small businesses that have completed a second phase award under the SBIR program; and

(2) make recommendations with respect to—

(A) measures of outcomes for strategic plans submitted under section 306 of title 5, United States Code, and performance plans submitted under section 1115 of title 31, United States Code, of each Federal agency participating in the SBIR program;

(B) whether companies who can demonstrate project feasibility, but who have not received a first phase award, should be eligible for second phase awards, and the potential impact of such awards on the competitive selection process of the program;

(C) whether the Federal Government should be permitted to recoup some or all of its expenses if a controlling interest in a company receiving an SBIR award is sold to a foreign company or to a company that is not a small business concern;

(D) how to increase the use by the Federal Government in its programs and procurements of technology-oriented small businesses; and

(E) improvements to the SBIR program, if any are considered appropriate.

(b) PARTICIPATION BY SMALL BUSINESS.—

(1) IN GENERAL.—In a manner consistent with law and with National Research Council study guidelines and procedures, knowledgeable individuals from the small business community with experience in the SBIR program shall be included—

(A) in any panel established by the National Research Council for the purpose of performing the study conducted under this section; and

(B) among those who are asked by the National Research Council to peer review the study.

(2) CONSULTATION.—To ensure that the concerns of small business are appropriately considered under this subsection, the National Research Council shall consult with and consider the views of the Office of Technology and the Office of Advocacy of the Small Business Administration and other in-

terested parties, including entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns.

(c) PROGRESS REPORTS.—The National Research Council shall provide semiannual progress reports on the study conducted under this section to the Committee on Science and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business of the Senate.

(d) REPORT.—The National Research Council shall transmit to the heads of agencies entering into an agreement under this section and to the Committee on Science and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business of the Senate—

(1) not later than 3 years after the date of enactment of this Act, a report including the results of the study conducted under subsection (a)(1) and recommendations made under subsection (a)(2); and

(2) not later than 6 years after that date of enactment, an update of such report.

SEC. 109. FEDERAL AGENCY EXPENDITURES FOR THE SBIR PROGRAM.

Section 9(i) of the Small Business Act (15 U.S.C. 638(i)) is amended—

(1) by striking “(i) Each Federal” and inserting the following:

“(i) ANNUAL REPORTING.—

“(1) IN GENERAL.—Each Federal”; and

(2) by adding at the end the following:

“(2) CALCULATION OF EXTRAMURAL BUDGET.—

“(A) METHODOLOGY.—Not later than 4 months after the date of enactment of each appropriations Act for a Federal agency required by this section to have an SBIR program, the Federal agency shall submit to the Administrator a report, which shall include a description of the methodology used for calculating the amount of the extramural budget of that Federal agency.

“(B) ADMINISTRATOR'S ANALYSIS.—The Administrator shall include an analysis of the methodology received from each Federal agency referred to in subparagraph (A) in the report required by subsection (b)(7).”

SEC. 110. POLICY DIRECTIVE MODIFICATIONS.

Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding at the end the following:

“(3) ADDITIONAL MODIFICATIONS.—Not later than 120 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall modify the policy directives issued pursuant to this subsection—

“(A) to clarify that the rights provided for under paragraph (2)(A) apply to all Federal funding awards under this section, including the first phase (as described in subsection (e)(4)(A)), the second phase (as described in subsection (e)(4)(B)), and the third phase (as described in subsection (e)(4)(C));

“(B) to provide for the requirement of a succinct commercialization plan with each application for a second phase award that is moving toward commercialization;

“(C) to require agencies to report to the Administration, not less frequently than annually, all instances in which an agency pursued research, development, or production of a technology developed by a small business concern using an award made under the SBIR program of that agency, and determined that it was not practicable to enter into a follow-on non-SBIR program funding agreement with the small business concern, which report shall include, at a minimum—

“(i) the reasons why the follow-on funding agreement with the small business concern was not practicable;

“(ii) the identity of the entity with which the agency contracted to perform the research, development, or production; and

“(iii) a description of the type of funding agreement under which the research, development, or production was obtained; and

“(D) to implement subsection (v), including establishing standardized procedures for the provision of information pursuant to subsection (k)(3).”

SEC. 111. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) programs to foster economic development among small high-technology firms vary widely among the States;

(2) States that do not aggressively support the development of small high-technology firms, including participation by small business concerns in the SBIR program, are at a competitive disadvantage in establishing a business climate that is conducive to technology development; and

(3) building stronger national, State, and local support for science and technology research in these disadvantaged States will expand economic opportunities in the United States, create jobs, and increase the competitiveness of the United States in the world market.

(b) FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 34 as section 37; and

(2) by inserting after section 33 the following:

“SEC. 34. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

“(a) DEFINITIONS.—In this section and section 35, the following definitions apply:

“(1) APPLICANT.—The term ‘applicant’ means an entity, organization, or individual that submits a proposal for an award or a cooperative agreement under this section.

“(2) BUSINESS ADVICE AND COUNSELING.—The term ‘business advice and counseling’ means providing advice and assistance on matters described in section 35(c)(2)(B) to small business concerns to guide them through the SBIR and STTR program process, from application to award and successful completion of each phase of the program.

“(3) FAST PROGRAM.—The term ‘FAST program’ means the Federal and State Technology Partnership Program established under this section.

“(4) MENTOR.—The term ‘mentor’ means an individual described in section 35(c)(2).

“(5) MENTORING NETWORK.—The term ‘Mentoring Network’ means an association, organization, coalition, or other entity (including an individual) that meets the requirements of section 35(c).

“(6) RECIPIENT.—The term ‘recipient’ means a person that receives an award or becomes party to a cooperative agreement under this section.

“(7) SBIR PROGRAM.—The term ‘SBIR program’ has the same meaning as in section 9(e)(4).

“(8) STATE.—The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

“(9) STTR PROGRAM.—The term ‘STTR program’ has the same meaning as in section 9(e)(6).

“(b) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to be known as the Federal and State Technology Partnership Program, the purpose of which shall be to strengthen the technological competitiveness of small business concerns in the States.

“(c) GRANTS AND COOPERATIVE AGREEMENTS.—

“(1) JOINT REVIEW.—In carrying out the FAST program under this section, the Administrator and the SBIR program managers at the National Science Foundation and the Department of Defense shall jointly review proposals submitted by applicants and may make awards or enter into cooperative agreements under this section based on the factors for consideration set forth in paragraph (2), in order to enhance or develop in a State—

“(A) technology research and development by small business concerns;

“(B) technology transfer from university research to technology-based small business concerns;

“(C) technology deployment and diffusion benefiting small business concerns;

“(D) the technological capabilities of small business concerns through the establishment or operation of consortia comprised of entities, organizations, or individuals, including—

“(i) State and local development agencies and entities;

“(ii) representatives of technology-based small business concerns;

“(iii) industries and emerging companies;

“(iv) universities; and

“(v) small business development centers; and

“(E) outreach, financial support, and technical assistance to technology-based small business concerns participating in or interested in participating in an SBIR program, including initiatives—

“(i) to make grants or loans to companies to pay a portion or all of the cost of developing SBIR proposals;

“(ii) to establish or operate a Mentoring Network within the FAST program to provide business advice and counseling that will assist small business concerns that have been identified by FAST program participants, program managers of participating SBIR agencies, the Administration, or other entities that are knowledgeable about the SBIR and STTR programs as good candidates for the SBIR and STTR programs, and that would benefit from mentoring, in accordance with section 35;

“(iii) to create or participate in a training program for individuals providing SBIR outreach and assistance at the State and local levels; and

“(iv) to encourage the commercialization of technology developed through SBIR program funding.

“(2) SELECTION CONSIDERATIONS.—In making awards or entering into cooperative agreements under this section, the Administrator and the SBIR program managers referred to in paragraph (1)—

“(A) may only consider proposals by applicants that intend to use a portion of the Federal assistance provided under this section to provide outreach, financial support, or technical assistance to technology-based small business concerns participating in or interested in participating in the SBIR program; and

“(B) shall consider, at a minimum—

“(i) whether the applicant has demonstrated that the assistance to be provided would address unmet needs of small business concerns in the community, and whether it is important to use Federal funding for the proposed activities;

“(ii) whether the applicant has demonstrated that a need exists to increase the number or success of small high-technology businesses in the State, as measured by the number of first phase and second phase SBIR awards that have historically been received by small business concerns in the State;

“(iii) whether the projected costs of the proposed activities are reasonable;

“(iv) whether the proposal integrates and coordinates the proposed activities with other State and local programs assisting small high-technology firms in the State; and

“(v) the manner in which the applicant will measure the results of the activities to be conducted.

“(3) PROPOSAL LIMIT.—Not more than 1 proposal may be submitted for inclusion in the FAST program under this section to provide services in any one State in any 1 fiscal year.

“(4) PROCESS.—Proposals and applications for assistance under this section shall be in such form and subject to such procedures as the Administrator shall establish.

“(d) COOPERATION AND COORDINATION.—In carrying out the FAST program under this section, the Administrator shall cooperate and coordinate with—

“(1) Federal agencies required by section 9 to have an SBIR program; and

“(2) entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns, including—

“(A) State and local development agencies and entities;

“(B) State committees established under the Experimental Program to Stimulate Competitive Research of the National Science Foundation (as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g));

“(C) State science and technology councils; and

“(D) representatives of technology-based small business concerns.

“(e) ADMINISTRATIVE REQUIREMENTS.—

“(1) COMPETITIVE BASIS.—Awards and cooperative agreements under this section shall be made or entered into, as applicable, on a competitive basis.

“(2) MATCHING REQUIREMENTS.—

“(A) IN GENERAL.—The non-Federal share of the cost of an activity (other than a planning activity) carried out using an award or under a cooperative agreement under this section shall be—

“(i) 50 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in one of the 18 States receiving the fewest SBIR first phase awards (as described in section 9(e)(4)(A));

“(ii) except as provided in subparagraph (B), 1 dollar for each Federal dollar, in the case of a recipient that will serve small business concerns located in one of the 16 States receiving the greatest number of such SBIR first phase awards; and

“(iii) except as provided in subparagraph (B), 75 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in a State that is not described in clause (i) or (ii) that is receiving such SBIR first phase awards.

“(B) LOW-INCOME AREAS.—The non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 50 cents for each Federal dollar that will be directly allocated by a recipient described in subparagraph (A) to serve small business concerns located in a qualified census tract, as that term is defined in section 42(d)(5)(C)(ii) of the Internal Revenue Code of 1986. Federal dollars not so allocated by that recipient shall be subject to the matching requirements of subparagraph (A).

“(C) TYPES OF FUNDING.—The non-Federal share of the cost of an activity carried out by a recipient shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

“(D) RANKINGS.—For purposes of subparagraph (A), the Administrator shall reevaluate the ranking of a State once every 2 fiscal years, beginning with fiscal year 2001, based on the most recent statistics compiled by the Administrator.

“(3) DURATION.—Awards may be made or cooperative agreements entered into under this section for multiple years, not to exceed 5 years in total.

“(f) REPORTS.—

“(1) INITIAL REPORT.—Not later than 120 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall prepare and submit to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives a report, which shall include, with respect to the FAST program, including Mentoring Networks—

“(A) a description of the structure and procedures of the program;

“(B) a management plan for the program; and

“(C) a description of the merit-based review process to be used in the program.

“(2) ANNUAL REPORTS.—The Administrator shall submit an annual report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives regarding—

“(A) the number and amount of awards provided and cooperative agreements entered into under the FAST program during the preceding year;

“(B) a list of recipients under this section, including their location and the activities being performed with the awards made or under the cooperative agreements entered into; and

“(C) the Mentoring Networks and the mentoring database, as provided for under section 35, including—

“(i) the status of the inclusion of mentoring information in the database required by section 9(k); and

“(ii) the status of the implementation and description of the usage of the Mentoring Networks.

“(g) REVIEWS BY INSPECTOR GENERAL.—

“(1) IN GENERAL.—The Inspector General of the Administration shall conduct a review of—

“(A) the extent to which recipients under the FAST program are measuring the performance of the activities being conducted and the results of such measurements; and

“(B) the overall management and effectiveness of the FAST program.

“(2) REPORT.—During the first quarter of fiscal year 2004, the Inspector General of the Administration shall submit a report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives on the review conducted under paragraph (1).

“(h) PROGRAM LEVELS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out the FAST program, including Mentoring Networks, under this section and section 35, \$10,000,000 for each of fiscal years 2001 through 2005.

“(2) MENTORING DATABASE.—Of the total amount made available under paragraph (1) for fiscal years 2001 through 2005, a reasonable amount, not to exceed a total of \$500,000, may be used by the Administration to carry out section 35(d).

“(i) TERMINATION.—The authority to carry out the FAST program under this section shall terminate on September 30, 2005.”

(c) COORDINATION OF TECHNOLOGY DEVELOPMENT PROGRAMS.—Section 9 of the Small

Business Act (15 U.S.C. 638) is amended by adding at the end the following:

“(u) COORDINATION OF TECHNOLOGY DEVELOPMENT PROGRAMS.—

“(1) DEFINITION OF TECHNOLOGY DEVELOPMENT PROGRAM.—In this subsection, the term ‘technology development program’ means—

“(A) the Experimental Program to Stimulate Competitive Research of the National Science Foundation, as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g);

“(B) the Defense Experimental Program to Stimulate Competitive Research of the Department of Defense;

“(C) the Experimental Program to Stimulate Competitive Research of the Department of Energy;

“(D) the Experimental Program to Stimulate Competitive Research of the Environmental Protection Agency;

“(E) the Experimental Program to Stimulate Competitive Research of the National Aeronautics and Space Administration;

“(F) the Institutional Development Award Program of the National Institutes of Health; and

“(G) the National Research Initiative Competitive Grants Program of the Department of Agriculture.

“(2) COORDINATION REQUIREMENTS.—Each Federal agency that is subject to subsection (f) and that has established a technology development program may, in each fiscal year, review for funding under that technology development program—

“(A) any proposal to provide outreach and assistance to 1 or more small business concerns interested in participating in the SBIR program, including any proposal to make a grant or loan to a company to pay a portion or all of the cost of developing an SBIR proposal, from an entity, organization, or individual located in—

“(i) a State that is eligible to participate in that program; or

“(ii) a State described in paragraph (3); or

“(B) any proposal for the first phase of the SBIR program, if the proposal, though meritorious, is not funded through the SBIR program for that fiscal year due to funding restraints, from a small business concern located in—

“(i) a State that is eligible to participate in a technology development program; or

“(ii) a State described in paragraph (3).

“(3) ADDITIONALLY ELIGIBLE STATE.—A State referred to in subparagraph (A)(ii) or (B)(ii) of paragraph (2) is a State in which the total value of contracts awarded to small business concerns under all SBIR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2000, based on the most recent statistics compiled by the Administrator.”.

SEC. 112. MENTORING NETWORKS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 34, as added by section 111(b)(2) of this Act, the following:

“SEC. 35. MENTORING NETWORKS.

“(a) FINDINGS.—Congress finds that—

“(1) the SBIR and STTR programs create jobs, increase capacity for technological innovation, and boost international competitiveness;

“(2) increasing the quantity of applications from all States to the SBIR and STTR programs would enhance competition for such awards and the quality of the completed projects; and

“(3) mentoring is a natural complement to the FAST program of reaching out to new

companies regarding the SBIR and STTR programs as an effective and low-cost way to improve the likelihood that such companies will succeed in such programs in developing and commercializing their research.

“(b) AUTHORIZATION FOR MENTORING NETWORKS.—The recipient of an award or participant in a cooperative agreement under section 34 may use a reasonable amount of such assistance for the establishment of a Mentoring Network under this section.

“(c) CRITERIA FOR MENTORING NETWORKS.—A Mentoring Network established using assistance under section 34 shall—

“(1) provide business advice and counseling to high technology small business concerns located in the State or region served by the Mentoring Network and identified under section 34(c)(1)(E)(ii) as potential candidates for the SBIR or STTR programs;

“(2) identify volunteer mentors who—

“(A) are persons associated with a small business concern that has successfully completed one or more SBIR or STTR funding agreements; and

“(B) have agreed to guide small business concerns through all stages of the SBIR or STTR program process, including providing assistance relating to—

“(i) proposal writing;

“(ii) marketing;

“(iii) Government accounting;

“(iv) Government audits;

“(v) project facilities and equipment;

“(vi) human resources;

“(vii) third phase partners;

“(viii) commercialization;

“(ix) venture capital networking; and

“(x) other matters relevant to the SBIR and STTR programs;

“(3) have experience working with small business concerns participating in the SBIR and STTR programs;

“(4) contribute information to the national database referred to in subsection (d); and

“(5) agree to reimburse volunteer mentors for out-of-pocket expenses related to service as a mentor under this section.

“(d) MENTORING DATABASE.—The Administrator shall—

“(1) include in the database required by section 9(k)(1), in cooperation with the SBIR, STTR, and FAST programs, information on Mentoring Networks and mentors participating under this section, including a description of their areas of expertise;

“(2) work cooperatively with Mentoring Networks to maintain and update the database;

“(3) take such action as may be necessary to aggressively promote Mentoring Networks under this section; and

“(4) fulfill the requirements of this subsection either directly or by contract.”.

SEC. 113. SIMPLIFIED REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is further amended by adding at the end the following:

“(v) SIMPLIFIED REPORTING REQUIREMENTS.—The Administrator shall work with the Federal agencies required by this section to have an SBIR program to standardize reporting requirements for the collection of data from SBIR applicants and awardees, including data for inclusion in the database under subsection (k), taking into consideration the unique needs of each agency, and to the extent possible, permitting the updating of previously reported information by electronic means. Such requirements shall be designed to minimize the burden on small businesses.”.

SEC. 114. RURAL OUTREACH PROGRAM EXTENSION.

(a) EXTENSION OF TERMINATION DATE.—Section 501(b)(2) of the Small Business Reau-

thorization Act of 1997 (15 U.S.C. 638 note; 111 Stat. 2622) is amended by striking “2001” and inserting “2005”.

(b) EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.—Section 9(s)(2) of the Small Business Act (15 U.S.C. 638(s)(2)) is amended by striking “for fiscal year 1998, 1999, 2000, or 2001” and inserting “for each of the fiscal years 2000 through 2005.”.

TITLE II—GENERAL BUSINESS LOAN PROGRAM

SEC. 201. SHORT TITLE.

This title may be cited as the “Small Business General Business Loan Improvement Act of 2000”.

SEC. 202. LEVELS OF PARTICIPATION.

Section 7(a)(2)(A) of the Small Business Act (15 U.S.C. 636(a)(2)(A)) is amended—

(1) in paragraph (i) by striking “\$100,000” and inserting “\$150,000”; and

(2) in paragraph (ii)—

(A) by striking “80 percent” and inserting “85 percent”; and

(B) by striking “\$100,000” and inserting “\$150,000”.

SEC. 203. LOAN AMOUNTS.

Section 7(a)(3)(A) of the Small Business Act (15 U.S.C. 636(a)(3)(A)) is amended by striking “\$750,000,” and inserting, “\$1,000,000 (or if the gross loan amount would exceed \$2,000,000).”.

SEC. 204. INTEREST ON DEFAULTED LOANS.

Section 7(a)(4)(B) of the Small Business Act (15 U.S.C. 636(a)(4)(B)) is amended by adding at the end the following:

“(iii) APPLICABILITY.—Clauses (i) and (ii) shall not apply to loans made on or after October 1, 2000.”.

SEC. 205. PREPAYMENT OF LOANS.

Section 7(a)(4) of the Small Business Act (15 U.S.C. 636(a)(4)) is further amended—

(1) by striking “(4) INTEREST RATES AND FEES.—” and inserting “(4) INTEREST RATES AND PREPAYMENT CHARGES.—”; and

(2) by adding at the end the following:

“(C) PREPAYMENT CHARGES.—

“(i) IN GENERAL.—A borrower who prepays any loan guaranteed under this subsection shall remit to the Administration a subsidy recoupment fee calculated in accordance with clause (ii) if—

“(I) the loan is for a term of not less than 15 years;

“(II) the prepayment is voluntary;

“(III) the amount of prepayment in any calendar year is more than 25 percent of the outstanding balance of the loan; and

“(IV) the prepayment is made within the first 3 years after disbursement of the loan proceeds.

“(ii) SUBSIDY RECOUPMENT FEE.—The subsidy recoupment fee charged under clause (i) shall be—

“(I) 5 percent of the amount of prepayment, if the borrower prepays during the first year after disbursement;

“(II) 3 percent of the amount of prepayment, if the borrower prepays during the second year after disbursement; and

“(III) 1 percent of the amount of prepayment, if the borrower prepays during the third year after disbursement.”.

SEC. 206. GUARANTEE FEES.

Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended to read as follows:

“(18) GUARANTEE FEES.—

“(A) IN GENERAL.—With respect to each loan guaranteed under this subsection (other than a loan that is repayable in 1 year or less), the Administration shall collect a guarantee fee, which shall be payable by the participating lender, and may be charged to the borrower, as follows:

“(i) A guarantee fee equal to 2 percent of the deferred participation share of a total loan amount that is not more than \$150,000.

“(ii) A guarantee fee equal to 3 percent of the deferred participation share of a total loan amount that is more than \$150,000, but less than \$700,000.

“(iii) A guarantee fee equal to 3.5 percent of the deferred participation share of a total loan amount that is more than \$700,000.

“(B) RETENTION OF CERTAIN FEES.—Lenders participating in the programs established under this subsection may retain not more than 25 percent of a fee collected under subparagraph (A)(i).”

SEC. 207. LEASE TERMS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is further amended by adding at the end the following:

“(28) LEASING.—In addition to such other lease arrangements as may be authorized by the Administration, a borrower may permanently lease to one or more tenants not more than 20 percent of any property constructed with the proceeds of a loan guaranteed under this subsection, if the borrower permanently occupies and uses not less than 60 percent of the total business space in the property.”

SEC. 208. MICROLOAN PROGRAM.

(a) IN GENERAL.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraphs (1)(B)(iii) and (3)(E), by striking “\$25,000” each place it appears and inserting “\$35,000”;

(2) in paragraphs (1)(A)(iii)(I), (3)(A)(ii), and (4)(C)(i)(II), by striking “\$7,500” each place it appears and inserting “\$10,000”;

(3) in paragraph (1)(B)(i), by striking “short-term.”;

(4) in paragraph (2)(B), by inserting before the period “, or equivalent experience, as determined by the Administration”;

(5) in paragraph (3)(E), by striking “\$15,000” and inserting “\$20,000”;

(6) in paragraph (4)(E)—

(A) by striking clause (i) and inserting the following:

“(i) IN GENERAL.—Each intermediary may expend the grant funds received under the program authorized by this subsection to provide or arrange for loan technical assistance to small business concerns that are borrowers or prospective borrowers under this subsection.”; and

(B) in clause (ii), by striking “25” and inserting “35”;

(7) in paragraph (5)(A)—

(A) by striking “25 grants” and inserting “55 grants”; and

(B) by striking “\$125,000” and inserting “\$200,000”;

(8) in paragraph (6)(B), by striking “\$10,000” and inserting “\$15,000”;

(9) in paragraph (7), by striking subparagraph (A) and inserting the following:

“(A) NUMBER OF PARTICIPANTS.—Under the program authorized by this subsection, the Administration may fund, on a competitive basis, not more than—

“(i) 250 intermediaries in fiscal year 2001;

“(ii) 300 intermediaries in fiscal year 2002; and

“(iii) 350 intermediaries in fiscal year 2003.”; and

(10) in paragraph (9), by adding at the end the following:

“(D) PEER-TO-PEER CAPACITY BUILDING AND TRAINING.—The Administrator may use not more than \$1,000,000 of the annual appropriation to the Administration for technical assistance grants to subcontract with 1 or more national trade associations of eligible intermediaries under this subsection to provide peer-to-peer capacity building and training to lenders under this subsection and organizations seeking to become lenders under this subsection.”

(b) CONFORMING AMENDMENTS.—Section 7(n)(11)(B) of the Small Business Act (15 U.S.C. 636(n)(11)(B)) is amended—

(1) by striking “\$25,000” and inserting “\$35,000”; and

(2) by striking “short-term.”

TITLE III—CERTIFIED DEVELOPMENT COMPANY PROGRAM

SEC. 301. SHORT TITLE.

This title may be cited as the “Certified Development Company Program Improvement Act of 2000”.

SEC. 302. WOMEN-OWNED BUSINESSES.

Section 501(d)(3)(C) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)(C)) is amended by inserting before the comma “or women-owned business development”.

SEC. 303. MAXIMUM DEBENTURE SIZE.

Section 502(2) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)) is amended to read as follows:

“(2) Loans made by the Administration under this section shall be limited to \$1,000,000 for each such identifiable small business concern, except loans meeting the criteria specified in section 501(d)(3), which shall be limited to \$1,300,000 for each such identifiable small business concern.”

SEC. 304. FEES.

Section 503(f) of the Small Business Investment Act of 1958 (15 U.S.C. 697(f)) is amended to read as follows:

“(f) EFFECTIVE DATE.—The fees authorized by subsections (b) and (d) shall apply to financings approved by the Administration on or after October 1, 1996, but shall not apply to financings approved by the Administration on or after October 1, 2003.”

SEC. 305. PREMIER CERTIFIED LENDERS PROGRAM.

Section 217(b) of the Small Business Administration Reauthorization and Amendments Act of 1994 (Public Law 103-403, 15 U.S.C. 697 note) (relating to section 508 of the Small Business Investment Act of 1958) is repealed.

SEC. 306. SALE OF CERTAIN DEFAULTED LOANS.

Section 508 of the Small Business Investment Act of 1958 (15 U.S.C. 697e) is amended—

(1) in subsection (a), by striking “On a pilot program basis, the” and inserting “The”;

(2) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively;

(3) in subsection (f) (as redesignated by paragraph (2)), by striking “subsection (f)” and inserting “subsection (g)”;

(4) in subsection (h) (as redesignated by paragraph (2)), by striking “subsection (f)” and inserting “subsection (g)”;

(5) by inserting after subsection (c) the following:

“(d) SALE OF CERTAIN DEFAULTED LOANS.—

“(1) NOTICE.—If, upon default in repayment, the Administration acquires a loan guaranteed under this section and identifies such loan for inclusion in a bulk asset sale of defaulted or repurchased loans or other financings, it shall give prior notice thereof to any certified development company which has a contingent liability under this section. The notice shall be given to the company as soon as possible after the financing is identified, but not less than 90 days before the date the Administration first makes any records on such financing available for examination by prospective purchasers prior to its offering in a package of loans for bulk sale.

“(2) LIMITATIONS.—The Administration shall not offer any loan described in paragraph (1) as part of a bulk sale unless it—

“(A) provides prospective purchasers with the opportunity to examine the Administration’s records with respect to such loan; and

“(B) provides the notice required by paragraph (1).”

SEC. 307. LOAN LIQUIDATION.

(a) LIQUIDATION AND FORECLOSURE.—Title V of the Small Business Investment Act of 1958

(15 U.S.C. 695 et seq.) is amended by adding at the end the following:

“SEC. 510. FORECLOSURE AND LIQUIDATION OF LOANS.

“(a) DELEGATION OF AUTHORITY.—In accordance with this section, the Administration shall delegate to any qualified State or local development company (as defined in section 503(e)) that meets the eligibility requirements of subsection (b)(1) the authority to foreclose and liquidate, or to otherwise treat in accordance with this section, defaulted loans in its portfolio that are funded with the proceeds of debentures guaranteed by the Administration under section 503.

“(b) ELIGIBILITY FOR DELEGATION.—

“(1) REQUIREMENTS.—A qualified State or local development company shall be eligible for a delegation of authority under subsection (a) if—

“(A) the company—

“(i) has participated in the loan liquidation pilot program established by the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note), as in effect on the day before promulgation of final regulations by the Administration implementing this section;

“(ii) is participating in the Premier Certified Lenders Program under section 508; or

“(iii) during the 3 fiscal years immediately prior to seeking such a delegation, has made an average of not less than 10 loans per year that are funded with the proceeds of debentures guaranteed under section 503; and

“(B) the company—

“(i) has one or more employees—

“(I) with not less than 2 years of substantive, decision-making experience in administering the liquidation and workout of problem loans secured in a manner substantially similar to loans funded with the proceeds of debentures guaranteed under section 503; and

“(II) who have completed a training program on loan liquidation developed by the Administration in conjunction with qualified State and local development companies that meet the requirements of this paragraph; or

“(ii) submits to the Administration documentation demonstrating that the company has contracted with a qualified third-party to perform any liquidation activities and secures the approval of the contract by the Administration with respect to the qualifications of the contractor and the terms and conditions of liquidation activities.

“(2) CONFIRMATION.—On request the Administration shall examine the qualifications of any company described in subsection (a) to determine if such company is eligible for the delegation of authority under this section. If the Administration determines that a company is not eligible, the Administration shall provide the company with the reasons for such ineligibility.

“(c) SCOPE OF DELEGATED AUTHORITY.—

“(1) IN GENERAL.—Each qualified State or local development company to which the Administration delegates authority under section (a) may with respect to any loan described in subsection (a)—

“(A) perform all liquidation and foreclosure functions, including the purchase in accordance with this subsection of any other indebtedness secured by the property securing the loan, in a reasonable and sound manner according to commercially accepted practices, pursuant to a liquidation plan approved in advance by the Administration under paragraph (2)(A);

“(B) litigate any matter relating to the performance of the functions described in subparagraph (A), except that the Administration may—

“(i) defend or bring any claim if—

“(I) the outcome of the litigation may adversely affect the Administration’s management of the loan program established under section 502; or

“(II) the Administration is entitled to legal remedies not available to a qualified State or local development company and such remedies will benefit either the Administration or the qualified State or local development company; or

“(ii) oversee the conduct of any such litigation; and

“(C) take other appropriate actions to mitigate loan losses in lieu of total liquidation or foreclosures, including the restructuring of a loan in accordance with prudent loan servicing practices and pursuant to a workout plan approved in advance by the Administration under paragraph (2)(C).

“(2) ADMINISTRATION APPROVAL.—

“(A) LIQUIDATION PLAN.—

“(i) IN GENERAL.—Before carrying out functions described in paragraph (1)(A), a qualified State or local development company shall submit to the Administration a proposed liquidation plan.

“(ii) ADMINISTRATION ACTION ON PLAN.—

“(I) TIMING.—Not later than 15 business days after a liquidation plan is received by the Administration under clause (i), the Administration shall approve or reject the plan.

“(II) NOTICE OF NO DECISION.—With respect to any plan that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the plan.

“(iii) ROUTINE ACTIONS.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company may undertake routine actions not addressed in a liquidation plan without obtaining additional approval from the Administration.

“(B) PURCHASE OF INDEBTEDNESS.—

“(i) IN GENERAL.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company shall submit to the Administration a request for written approval before committing the Administration to the purchase of any other indebtedness secured by the property securing a defaulted loan.

“(ii) ADMINISTRATION ACTION ON REQUEST.—

“(I) TIMING.—Not later than 15 business days after receiving a request under clause (i), the Administration shall approve or deny the request.

“(II) NOTICE OF NO DECISION.—With respect to any request that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the request.

“(C) WORKOUT PLAN.—

“(i) IN GENERAL.—In carrying out functions described in paragraph (1)(C), a qualified State or local development company shall submit to the Administration a proposed workout plan.

“(ii) ADMINISTRATION ACTION ON PLAN.—

“(I) TIMING.—Not later than 15 business days after a workout plan is received by the Administration under clause (i), the Administration shall approve or reject the plan.

“(II) NOTICE OF NO DECISION.—With respect to any workout plan that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the plan.

“(D) COMPROMISE OF INDEBTEDNESS.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company may—

“(i) consider an offer made by an obligor to compromise the debt for less than the full amount owing; and

“(ii) pursuant to such an offer, release any obligor or other party contingently liable, if the company secures the written approval of the Administration.

“(E) CONTENTS OF NOTICE OF NO DECISION.—Any notice provided by the Administration under subparagraphs (A)(ii)(II), (B)(ii)(II), or (C)(ii)(II)—

“(i) shall be in writing;

“(ii) shall state the specific reason for the Administration’s inability to act on a plan or request;

“(iii) shall include an estimate of the additional time required by the Administration to act on the plan or request; and

“(iv) if the Administration cannot act because insufficient information or documentation was provided by the company submitting the plan or request, shall specify the nature of such additional information or documentation.

“(3) CONFLICT OF INTEREST.—In carrying out functions described in paragraph (1), a qualified State or local development company shall take no action that would result in an actual or apparent conflict of interest between the company (or any employee of the company) and any third party lender, associate of a third party lender, or any other person participating in a liquidation, foreclosure, or loss mitigation action.

“(4) SUSPENSION OR REVOCATION OF AUTHORITY.—The Administration may revoke or suspend a delegation of authority under this section to any qualified State or local development company, if the Administration determines that the company—

“(1) does not meet the requirements of subsection (b)(1);

“(2) has violated any applicable rule or regulation of the Administration or any other applicable law; or

“(3) fails to comply with any reporting requirement that may be established by the Administration relating to carrying out of functions described in paragraph (1).

“(e) REPORT.—

“(1) IN GENERAL.—Based on information provided by qualified State and local development companies and the Administration, the Administration shall annually submit to the Committees on Small Business of the House of Representatives and of the Senate a report on the results of delegation of authority under this section.

“(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following information:

“(A) With respect to each loan foreclosed or liquidated by a qualified State or local development company under this section, or for which losses were otherwise mitigated by the company pursuant to a workout plan under this section—

“(i) the total cost of the project financed with the loan;

“(ii) the total original dollar amount guaranteed by the Administration;

“(iii) the total dollar amount of the loan at the time of liquidation, foreclosure, or mitigation of loss;

“(iv) the total dollar losses resulting from the liquidation, foreclosure, or mitigation of loss; and

“(v) the total recoveries resulting from the liquidation, foreclosure, or mitigation of loss, both as a percentage of the amount guaranteed and the total cost of the project financed.

“(B) With respect to each qualified State or local development company to which authority is delegated under this section, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A).

“(C) With respect to all loans subject to foreclosure, liquidation, or mitigation under this section, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A).

“(D) A comparison between—

“(i) the information provided under subparagraph (C) with respect to the 12-month period preceding the date on which the report is submitted; and

“(ii) the same information with respect to loans foreclosed and liquidated, or otherwise treated, by the Administration during the same period.

“(E) The number of times that the Administration has failed to approve or reject a liquidation plan in accordance with subparagraph (A)(i), a workout plan in accordance with subparagraph (C)(i), or to approve or deny a request for purchase of indebtedness under subparagraph (B)(i), including specific information regarding the reasons for the Administration’s failure and any delays that resulted.”.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 150 days after the date of enactment of this Act, the Administrator shall issue such regulations as may be necessary to carry out section 510 of the Small Business Investment Act of 1958, as added by subsection (a) of this section.

(2) TERMINATION OF PILOT PROGRAM.—Beginning on the date on which final regulations are issued under paragraph (1), section 204 of the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note) shall cease to have effect.

TITLE IV—CORRECTIONS TO THE SMALL BUSINESS INVESTMENT ACT OF 1958

SEC. 401. SHORT TITLE.

This title may be cited as the “Small Business Investment Corrections Act of 2000”.

SEC. 402. DEFINITIONS.

(a) SMALL BUSINESS CONCERN.—Section 103(5)(A)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 662(5)(A)(i)) is amended by inserting before the semicolon at the end the following: “regardless of the allocation of control during the investment period under any investment agreement between the business concern and the entity making the investment”.

(b) LONG TERM.—Section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662) is amended—

(1) in paragraph (15), by striking “and” at the end;

(2) in paragraph (16), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(17) the term ‘long term’, when used in connection with equity capital or loan funds invested in any small business concern or smaller enterprise, means any period of time not less than 1 year.”.

SEC. 403. INVESTMENT IN SMALL BUSINESS INVESTMENT COMPANIES.

Section 302(b) of the Small Business Investment Act of 1958 (15 U.S.C. 682(b)) is amended—

(1) by striking “(b) Notwithstanding” and inserting the following:

“(b) FINANCIAL INSTITUTION INVESTMENTS.—

“(1) CERTAIN BANKS.—Notwithstanding”; and

(2) by adding at the end the following:

“(2) CERTAIN SAVINGS ASSOCIATIONS.—Notwithstanding any other provision of law, any Federal savings association may invest in any 1 or more small business investment companies, or in any entity established to invest solely in small business investment companies, except that in no event may the total amount of such investments by any such Federal savings association exceed 5 percent of the capital and surplus of the Federal savings association.”.

SEC. 404. SUBSIDY FEES.

(a) DEBENTURES.—Section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)) is amended by striking “plus an additional charge of 1 percent per annum which shall be paid to and retained by the Administration” and inserting “plus, for debentures issued after September 30, 2000, an additional charge, in an amount established annually by the Administration, of not more than 1 percent per year as necessary to reduce to zero the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) to the Administration of purchasing and guaranteeing debentures under this Act, which shall be paid to and retained by the Administration”.

(b) PARTICIPATING SECURITIES.—Section 303(g)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(2)) is amended by striking “plus an additional charge of 1 percent per annum which shall be paid to and retained by the Administration” and inserting “plus, for participating securities issued after September 30, 2000, an additional charge, in an amount established annually by the Administration, of not more than 1 percent per year as necessary to reduce to zero the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) to the Administration of purchasing and guaranteeing participating securities under this Act, which shall be paid to and retained by the Administration”.

SEC. 405. DISTRIBUTIONS.

Section 303(g)(8) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(8)) is amended—

(1) by striking “subchapter s corporation” and inserting “subchapter S corporation”;

(2) by striking “the end of any calendar quarter based on a quarterly” and inserting “any time during any calendar quarter based on an”; and

(3) by striking “quarterly distributions for a calendar year,” and inserting “interim distributions for a calendar year.”.

SEC. 406. CONFORMING AMENDMENT.

Section 310(c)(4) of the Small Business Investment Act of 1958 (15 U.S.C. 687b(c)(4)) is amended by striking “five years” and inserting “1 year”.

TITLE V—REAUTHORIZATION OF SMALL BUSINESS PROGRAMS**SEC. 501. SHORT TITLE.**

This title may be cited as the “Small Business Programs Reauthorization Act of 2000”.

SEC. 502. REAUTHORIZATION OF SMALL BUSINESS PROGRAMS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following:

“(g) FISCAL YEAR 2001.—

“(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2001:

“(A) For the programs authorized by this Act, the Administration is authorized to make—

“(i) \$45,000,000 in technical assistance grants as provided in section 7(m); and

“(ii) \$60,000,000 in direct loans, as provided in 7(m).

“(B) For the programs authorized by this Act, the Administration is authorized to make \$19,050,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

“(i) \$14,500,000,000 in general business loans as provided in section 7(a);

“(ii) \$4,000,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

“(iii) \$500,000,000 in loans as provided in section 7(a)(21); and

“(iv) \$50,000,000 in loans as provided in section 7(m).

“(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

“(i) \$2,500,000,000 in purchases of participating securities; and

“(ii) \$1,500,000,000 in guarantees of debentures.

“(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed \$4,000,000,000 of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

“(E) The Administration is authorized to make grants or enter cooperative agreements for a total amount of \$5,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

“(2) ADDITIONAL AUTHORIZATIONS.—

“(A) There are authorized to be appropriated to the Administration for fiscal year 2001 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

“(B) Notwithstanding any other provision of this paragraph, for fiscal year 2001—

“(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

“(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than \$1,250,000.

“(h) FISCAL YEAR 2002.—

“(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2002:

“(A) For the programs authorized by this Act, the Administration is authorized to make—

“(i) \$60,000,000 in technical assistance grants as provided in section 7(m); and

“(ii) \$80,000,000 in direct loans, as provided in 7(m).

“(B) For the programs authorized by this Act, the Administration is authorized to make \$20,050,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

“(i) \$15,000,000,000 in general business loans as provided in section 7(a);

“(ii) \$4,500,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

“(iii) \$500,000,000 in loans as provided in section 7(a)(21); and

“(iv) \$50,000,000 in loans as provided in section 7(m).

“(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

“(i) \$3,500,000,000 in purchases of participating securities; and

“(ii) \$2,500,000,000 in guarantees of debentures.

“(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is au-

thorized to enter into guarantees not to exceed \$5,000,000,000 of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

“(E) The Administration is authorized to make grants or enter cooperative agreements for a total amount of \$6,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

“(2) ADDITIONAL AUTHORIZATIONS.—

“(A) There are authorized to be appropriated to the Administration for fiscal year 2002 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

“(B) Notwithstanding any other provision of this paragraph, for fiscal year 2002—

“(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

“(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than \$1,250,000.

“(i) FISCAL YEAR 2003.—

“(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2003:

“(A) For the programs authorized by this Act, the Administration is authorized to make—

“(i) \$70,000,000 in technical assistance grants as provided in section 7(m); and

“(ii) \$100,000,000 in direct loans, as provided in 7(m).

“(B) For the programs authorized by this Act, the Administration is authorized to make \$21,550,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

“(i) \$16,000,000,000 in general business loans as provided in section 7(a);

“(ii) \$5,000,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

“(iii) \$500,000,000 in loans as provided in section 7(a)(21); and

“(iv) \$50,000,000 in loans as provided in section 7(m).

“(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

“(i) \$4,000,000,000 in purchases of participating securities; and

“(ii) \$3,000,000,000 in guarantees of debentures.

“(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed \$6,000,000,000 of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

“(E) The Administration is authorized to make grants or enter into cooperative agreements for a total amount of \$7,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

“(2) ADDITIONAL AUTHORIZATIONS.—

“(A) There are authorized to be appropriated to the Administration for fiscal year 2003 such sums as may be necessary to carry

out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

“(B) Notwithstanding any other provision of this paragraph, for fiscal year 2003—

“(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

“(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than \$1,250,000.”.

SEC. 503. ADDITIONAL REAUTHORIZATIONS.

(a) DRUG-FREE WORKPLACE PROGRAM.—Section 27 of the Small Business Act (15 U.S.C. 654) is amended—

(1) in the section heading, by striking “DRUG-FREE WORKPLACE DEMONSTRATION PROGRAM” and inserting “PAUL D. COVERDELL DRUG-FREE WORKPLACE PROGRAM”; and

(2) in subsection (g)(1), by striking “\$10,000,000 for fiscal years 1999 and 2000” and inserting “\$5,000,000 for each of fiscal years 2001 through 2003”.

(b) HUBZONE PROGRAM.—Section 31 of the Small Business Act (15 U.S.C. 657a) is amended by adding at the end the following:

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program established by this section \$10,000,000 for each of fiscal years 2001 through 2003.”.

(c) WOMEN’S BUSINESS ENTERPRISE DEVELOPMENT PROGRAMS.—Section 411 of the Women’s Business Ownership Act (Public Law 105-135; 15 U.S.C. 631 note) is amended by striking “\$600,000, for each of fiscal years 1998 through 2000,” and inserting “\$1,000,000 for each of fiscal years 2001 through 2003.”.

(d) VERY SMALL BUSINESS CONCERNS PROGRAM.—Section 304(i) of the Small Business Administration Reauthorization and Amendments Act of 1994 (Public Law 103-403; 15 U.S.C. 644 note) is amended by striking “September 30, 2000” and inserting “September 30, 2003”.

(e) SOCIALLY AND ECONOMICALLY DISADVANTAGED BUSINESSES PROGRAM.—Section 7102(c) of the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355; 15 U.S.C. 644 note) is amended by striking “September 30, 2000” and inserting “September 30, 2003”.

(f) SBDC SERVICES.—Section 21(c)(3)(T) of the Small Business Act (15 U.S.C. 648(c)(3)(T)) is amended by striking “2000” and inserting “2003”.

SEC. 504. COSPONSORSHIP.

(a) IN GENERAL.—Section 8(b)(1)(A) of the Small Business Act (15 U.S.C. 637(b)(1)(A)) is amended to read as follows:

“(1)(A) to provide—

“(i) technical, managerial, and informational aids to small business concerns—

“(I) by advising and counseling on matters in connection with Government procurement and policies, principles, and practices of good management;

“(II) by cooperating and advising with—

“(aa) voluntary business, professional, educational, and other nonprofit organizations, associations, and institutions (except that the Administration shall take such actions

as it determines necessary to ensure that such cooperation does not constitute or imply an endorsement by the Administration of the organization or its products or services, and shall ensure that it receives appropriate recognition in all printed materials); and

“(bb) other Federal and State agencies;

“(III) by maintaining a clearinghouse for information on managing, financing, and operating small business enterprises; and

“(IV) by disseminating such information, including through recognition events, and by other activities that the Administration determines to be appropriate; and

“(ii) through cooperation with a profit-making concern (referred to in this paragraph as a ‘cosponsor’), training, information, and education to small business concerns, except that the Administration shall—

“(I) take such actions as it determines to be appropriate to ensure that—

“(aa) the Administration receives appropriate recognition and publicity;

“(bb) the cooperation does not constitute or imply an endorsement by the Administration of any product or service of the cosponsor;

“(cc) unnecessary promotion of the products or services of the cosponsor is avoided; and

“(dd) utilization of any 1 cosponsor in a marketing area is minimized; and

“(II) develop an agreement, executed on behalf of the Administration by an employee of the Administration in Washington, the District of Columbia, that provides, at a minimum, that—

“(aa) any printed material to announce the cosponsorship or to be distributed at the cosponsored activity, shall be approved in advance by the Administration;

“(bb) the terms and conditions of the cooperation shall be specified;

“(cc) only minimal charges may be imposed on any small business concern to cover the direct costs of providing the assistance;

“(dd) the Administration may provide to the cosponsorship mailing labels, but not lists of names and addresses of small business concerns compiled by the Administration;

“(ee) all printed materials containing the names of both the Administration and the cosponsor shall include a prominent disclaimer that the cooperation does not constitute or imply an endorsement by the Administration of any product or service of the cosponsor; and

“(ff) the Administration shall ensure that it receives appropriate recognition in all cosponsorship printed materials.”.

(b) EXTENSION OF COSPONSORSHIP AUTHORITY.—Section 401(a)(2) of the Small Business Administration Reauthorization and Amendments Act of 1994 (15 U.S.C. 637 note) is amended by striking “September 30, 2000” and inserting “September 30, 2003”.

TITLE VI—HUBZONE PROGRAM

Subtitle A—HUBZones in Native America

SEC. 601. SHORT TITLE.

This subtitle may be cited as the “HUBZones in Native America Act of 2000”.

SEC. 602. HUBZONE SMALL BUSINESS CONCERN.

Section 3(p)(3) of the Small Business Act (15 U.S.C. 632(p)(3)) is amended to read as follows:

“(3) HUBZONE SMALL BUSINESS CONCERN.—The term ‘HUBZone small business concern’ means—

“(A) a small business concern that is owned and controlled by 1 or more persons, each of whom is a United States citizen;

“(B) a small business concern that is—

“(i) an Alaska Native Corporation owned and controlled by Natives (as determined pursuant to section 29(e)(1) of the Alaska Na-

tive Claims Settlement Act (43 U.S.C. 1626(e)(1))); or

“(ii) a direct or indirect subsidiary corporation, joint venture, or partnership of an Alaska Native Corporation qualifying pursuant to section 29(e)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(e)(1)), if that subsidiary, joint venture, or partnership is owned and controlled by Natives (as determined pursuant to section 29(e)(2)) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(e)(2)); or

“(C) a small business concern—

“(i) that is wholly owned by 1 or more Indian tribal governments, or by a corporation that is wholly owned by 1 or more Indian tribal governments; or

“(ii) that is owned in part by 1 or more Indian tribal governments, or by a corporation that is wholly owned by 1 or more Indian tribal governments, if all other owners are either United States citizens or small business concerns.”.

SEC. 603. QUALIFIED HUBZONE SMALL BUSINESS CONCERN.

(a) IN GENERAL.—Section 3(p)(5)(A)(i) of the Small Business Act (15 U.S.C. 632(p)(5)(A)(i)) is amended by striking subclauses (I) and (II) and inserting the following:

“(I) it is a HUBZone small business concern—

“(aa) pursuant to subparagraph (A) or (B) of paragraph (3), and that its principal office is located in a HUBZone and not fewer than 35 percent of its employees reside in a HUBZone; or

“(bb) pursuant to paragraph (3)(C), and not fewer than 35 percent of its employees engaged in performing a contract awarded to the small business concern on the basis of a preference provided under section 31(b) reside within any Indian reservation governed by 1 or more of the tribal government owners, or reside within any HUBZone adjoining any such Indian reservation;

“(II) the small business concern will attempt to maintain the applicable employment percentage under subclause (I) during the performance of any contract awarded to the small business concern on the basis of a preference provided under section 31(b); and”.

(b) HUBZONE PILOT PROGRAM FOR SPARSELY POPULATED AREAS.—Section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) is amended by adding at the end the following:

“(E) HUBZONE PILOT PROGRAM FOR SPARSELY POPULATED AREAS.—

“(i) IN GENERAL.—Notwithstanding subparagraph (A)(i)(I)(aa), during the period beginning on the date of enactment of the Small Business Reauthorization Act of 2000 and ending on September 30, 2003, a small business concern, the principal office of which is located in the State of Alaska, an Alaska Native Corporation under paragraph (3)(B)(i), or a direct or indirect subsidiary, joint venture, or partnership under paragraph (3)(B)(ii) shall be considered to be a qualified HUBZone small business concern if—

“(I) its principal office is located within a HUBZone within the State of Alaska;

“(II) not fewer than 35 percent of its employees who will be engaged in performing a contract awarded to it on the basis of a preference provided under section 31(b) will perform their work in any HUBZone located within the State of Alaska; or

“(III) not fewer than 35 percent of its employees reside in a HUBZone located within the State of Alaska or in any Alaska Native Village within the State of Alaska.

“(ii) EXCEPTION.—

“(I) IN GENERAL.—Clause (i) shall not apply in any fiscal year following a fiscal year in which the total amount of contract dollars awarded in furtherance of the contracting

goals established under section 15(g)(1) to small business concerns located within the State of Alaska is equal to more than 2 percent of the total amount of such contract dollars awarded to all small business concerns nationally, based on data from the Federal Procurement Data System.

“(II) LIMITATION.—Subclause (I) shall not be construed to disqualify a HUBZone small business concern from performing a contract awarded to it on the basis of a preference provided under section 31(b), if such concern was qualified under clause (i) at the time at which the contract was awarded.”.

(c) CLARIFYING AMENDMENT.—Section 3(p)(5)(D)(i) of the Small Business Act (15 U.S.C. 632(p)(5)(D)(i)) is amended by inserting “once the Administrator has made the certification required by subparagraph (A)(i) regarding a qualified HUBZone small business concern and has determined that subparagraph (A)(ii) does not apply to that concern,” before “include”.

SEC. 604. OTHER DEFINITIONS.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended by adding at the end the following:

“(6) NATIVE AMERICAN SMALL BUSINESS CONCERNS.—

“(A) ALASKA NATIVE CORPORATION.—The term ‘Alaska Native Corporation’ has the same meaning as the term ‘Native Corporation’ in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

“(B) ALASKA NATIVE VILLAGE.—The term ‘Alaska Native Village’ has the same meaning as the term ‘Native village’ in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

“(C) INDIAN RESERVATION.—The term ‘Indian reservation’—

“(i) has the same meaning as the term ‘Indian country’ in section 1151 of title 18, United States Code, except that such term does not include—

“(I) any lands that are located within a State in which a tribe did not exercise governmental jurisdiction on the date of enactment of this paragraph, unless that tribe is recognized after that date of enactment by either an Act of Congress or pursuant to regulations of the Secretary of the Interior for the administrative recognition that an Indian group exists as an Indian tribe (part 83 of title 25, Code of Federal Regulations); and

“(II) lands taken into trust or acquired by an Indian tribe after the date of enactment of this paragraph if such lands are not located within the external boundaries of an Indian reservation or former reservation or are not contiguous to the lands held in trust or restricted status on that date of enactment; and

“(ii) in the State of Oklahoma, means lands that—

“(I) are within the jurisdictional areas of an Oklahoma Indian tribe (as determined by the Secretary of the Interior); and

“(II) are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).”.

Subtitle B—Other HUBZone Provisions

SEC. 611. DEFINITIONS.

(a) QUALIFIED CENSUS TRACT.—Section 3(p)(4)(A) of the Small Business Act (15 U.S.C. 632(p)(4)(A)) is amended by striking “(I)”.

(b) QUALIFIED NONMETROPOLITAN COUNTY.—Section 3(p)(4) of the Small Business Act (15 U.S.C. 632(p)(4)) is amended by striking subparagraph (B) and inserting the following:

“(B) QUALIFIED NONMETROPOLITAN COUNTY.—The term ‘qualified nonmetropolitan county’ means any county—

“(i) that was not located in a metropolitan statistical area (as defined in section

143(k)(2)(B) of the Internal Revenue Code of 1986) at the time of the most recent census taken for purposes of selecting qualified census tracts under section 42(d)(5)(C)(ii) of the Internal Revenue Code of 1986; and

“(ii) in which—

“(I) the median household income is less than 80 percent of the nonmetropolitan State median household income, based on the most recent data available from the Bureau of the Census of the Department of Commerce; or

“(II) the unemployment rate is not less than 140 percent of the Statewide average unemployment rate for the State in which the county is located, based on the most recent data available from the Secretary of Labor.”.

SEC. 612. ELIGIBLE CONTRACTS.

(a) COMMODITIES CONTRACTS.—Section 31(b) of the Small Business Act (15 U.S.C. 657a(b)) is amended—

(1) in paragraph (3)—

(A) by striking “In any” and inserting the following:

“(A) IN GENERAL.—Subject to subparagraph (B), in any”; and

(B) by adding at the end the following:

“(B) PROCUREMENT OF COMMODITIES.—For purchases by the Secretary of Agriculture of agricultural commodities, the price evaluation preference shall be—

“(i) 10 percent, for the portion of a contract to be awarded that is not greater than 25 percent of the total volume being procured for each commodity in a single invitation; and

“(ii) 5 percent, for the portion of a contract to be awarded that is greater than 25 percent, but not greater than 40 percent, of the total volume being procured for each commodity in a single invitation; and

“(iii) zero, for the portion of a contract to be awarded that is greater than 40 percent of the total volume being procured for each commodity in a single invitation.”; and

(2) in paragraph (4), by striking “paragraph (2) or (3)” and inserting “this subsection”.

(b) DEFINITIONS.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as amended by this Act, is amended—

(1) in paragraph (5)(A)(i)(III)—

(A) in item (aa), by striking “and” at the end; and

(B) by adding at the end the following:

“(cc) in the case of a contract for the procurement by the Secretary of Agriculture of agricultural commodities, none of the commodity being procured will be obtained by the prime contractor through a subcontract for the purchase of the commodity in substantially the final form in which it is to be supplied to the Government; and”; and

(2) by adding at the end the following:

“(7) AGRICULTURAL COMMODITY.—The term ‘agricultural commodity’ has the same meaning as in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).”.

SEC. 613. HUBZONE REDESIGNATED AREAS.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking “or” at the end;

(B) in subparagraph (C), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(D) redesignated areas.”; and

(2) in paragraph (4), by adding at the end the following:

“(C) REDESIGNATED AREA.—The term ‘redesignated area’ means any census tract that ceases to be qualified under subparagraph (A) and any nonmetropolitan county that ceases to be qualified under subparagraph (B), except that a census tract or a nonmetropolitan county may be a ‘redesignated area’ only for the 3-year period following the date on which the census tract or nonmetropolitan county ceased to be so qualified.”.

SEC. 614. COMMUNITY DEVELOPMENT.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as amended by this Act, is amended—

(1) in paragraph (3)—

(A) in subparagraph (B), by striking “or” at the end;

(B) in subparagraph (C), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(D) a small business concern that is—

“(i) wholly owned by a community development corporation that has received financial assistance under Part 1 of Subchapter A of the Community Economic Development Act of 1981 (42 U.S.C. 9805 et seq.); or

“(ii) owned in part by 1 or more community development corporations, if all other owners are either United States citizens or small business concerns.”; and

(2) in paragraph (5)(A)(i)(I)(aa), by striking “subparagraph (A) or (B)” and inserting “subparagraph (A), (B), or (D)”.

SEC. 615. REFERENCE CORRECTIONS.

(a) SECTION 3.—Section 3(p)(5)(C) of the Small Business Act (15 U.S.C. 632(p)(5)(C)) is amended by striking “subclause (IV) and (V) of subparagraph (A)(i)” and inserting “items (aa) and (bb) of subparagraph (A)(i)(III)”.

(b) SECTION 8.—Section 8(d)(4)(D) of the Small Business Act (15 U.S.C. 637(d)(4)(D)) is amended by inserting “qualified HUBZone small business concerns,” after “small business concerns.”.

TITLE VII—NATIONAL WOMEN'S BUSINESS COUNCIL REAUTHORIZATION

SEC. 701. SHORT TITLE.

This title may be cited as the “National Women's Business Council Reauthorization Act of 2000”.

SEC. 702. DUTIES OF THE COUNCIL.

Section 406 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

“SEC. 406. DUTIES OF THE COUNCIL.

“(a) IN GENERAL.—The Council shall—

“(1) provide advice and counsel to the President and to the Congress on economic matters of importance to women business owners;

“(2) promote initiatives designed to increase access to capital and to markets, training and technical assistance, research, resources, and leadership opportunities for and about women business owners;

“(3) provide a source of information and a catalyst for action to support women's business development;

“(4) promote the implementation of the policy agenda, initiatives and recommendations issued at Summit '98, the National Women's Economic Forum;

“(5) review, coordinate, and monitor plans and programs developed in the public and private sectors that affect the ability of women-owned small business concerns to obtain capital and credit;

“(6) work with—

“(A) the Federal agencies for the purpose of assisting them in meeting the 5 percent women's procurement goal established under section 15(g) of the Small Business Act; and

“(B) the private sector in increasing contracting opportunities for women-owned small business concerns;

“(7) promote and assist in the development of a women's business census and other statistical surveys of women-owned small business concerns;

“(8) support new and ongoing research on women-owned small business concerns;

“(9) monitor and promote the plans, programs, and operations of the departments and agencies of the Federal Government that may contribute to the establishment and growth of women's business enterprise;

“(10) develop and promote new initiatives, policies, programs, and plans designed to foster women’s business enterprise; and

“(11) advise and consult with State and local leaders to develop and implement programs and policies that promote women’s business ownership.

“(b) INTERACTION WITH THE INTERAGENCY COMMITTEE ON WOMEN’S BUSINESS ENTERPRISE.—The Council shall—

“(1) advise the Interagency Committee on Women’s Business Enterprise (in this section referred to as the ‘Committee’) on matters relating to the activities, functions, and policies of the Committee, as provided in this title; and

“(2) meet jointly with the Committee at the discretion of the chairperson of the Council and the chairperson of the Committee, but not less frequently than biannually.

“(c) MEETINGS.—The Council shall meet separately at such times as the Council deems necessary. A majority of the members of the Council shall constitute a quorum for the approval of recommendations or reports issued pursuant to this section.

“(d) RECOMMENDATIONS AND REPORTS.—

“(1) IN GENERAL.—Not later than 90 days after the last day of each fiscal year, the Council shall—

“(A) make recommendations for consideration by the Committee; and

“(B) submit a report to the President, the Committee, the Administrator, the Committee on Small Business of the Senate, and the Committee on Small Business of the House of Representatives, as described in paragraph (2).

“(2) CONTENTS OF REPORTS.—The reports required by paragraph (1) shall contain—

“(A) a detailed description of the activities of the Council during the preceding fiscal year, including a status report on the progress of the Council toward meeting its duties under subsections (a);

“(B) the findings, conclusions, and recommendations of the Council; and

“(C) the recommendations of the Council for such legislation and administrative actions as the Council considers to be appropriate to promote the development of small business concerns owned and controlled by women.

“(e) SEPARATE SUBMISSIONS.—The Administrator shall submit any additional, concurring, or dissenting views or recommendations to the President, the Committee, and the Congress separately from any recommendations or report submitted by the Council under this section.”

SEC. 703. MEMBERSHIP OF THE COUNCIL.

Section 407 of the Women’s Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) in subsection (a), by striking “Not later” and all that follows through “the President” and inserting “The President”;

(2) in subsection (b)—

(A) by striking “Not later” and all that follows through “the Administrator” and inserting “The Administrator”; and

(B) by striking “the Assistant Administrator of the Office of Women’s Business Ownership and”;

(3) in subsection (d), by striking “, except that” and all that follows through the end of the subsection and inserting a period; and

(4) in subsection (h), by striking “Not later” and all that follows through “the Administrator” and inserting “The Administrator”.

SEC. 704. REPEAL OF PROCUREMENT PROJECT, STATE AND LOCAL ECONOMIC NETWORKS.

Section 409 of the Women’s Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

“SEC. 409. STATE AND LOCAL ECONOMIC NETWORKS.

“The Council shall work with State and local officials and business leaders to develop the infrastructure for women’s business enterprise for the purpose of increasing women’s effectiveness in shaping the economic agendas of their States and communities.”.

SEC. 705. STUDIES AND OTHER RESEARCH.

Section 410 of the Women’s Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

“SEC. 410. STUDIES, OTHER RESEARCH, AND ISSUE INITIATIVES.

“(a) IN GENERAL.—

“(1) AUTHORITY.—The Council may, as it determines to be appropriate, conduct such studies, research, and issue initiatives relating to—

“(A) the award of Federal, State, local, and private sector prime contracts and subcontracts to women-owned businesses; and

“(B) access to credit and investment capital by women entrepreneurs and business development assistance programs, including the identification of best practices.

“(2) PURPOSES.—Studies, research, and issue initiatives may be conducted under paragraph (1) for purposes including—

“(A) identification of several focused outreach initiatives in nontraditional industry sectors for the purpose of increasing contract awards to women in those areas;

“(B) supporting the growth and proliferation of programs designed to prepare women to successfully access the equity capital markets;

“(C) continuing to identify and report on financial best practices that have worked to increase credit and capital availability to women business owners; and

“(D) working with Women’s Business Centers to develop programs and coordinate activities.

“(b) CONTRACT AUTHORITY.—In conducting any study or other research under this section, the Council may contract with 1 or more public or private entities.”.

SEC. 706. AUTHORIZATION OF APPROPRIATIONS.

Section 411 of the Women’s Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

“SEC. 411. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated to carry out this title \$1,000,000, for each of fiscal years 2001 through 2003, of which \$550,000 shall be available in each such fiscal year to carry out sections 409 and 410.

“(b) BUDGET REVIEW.—No amount made available under this section for any fiscal year may be obligated or expended by the Council before the date on which the Council reviews and approves the operating budget of the Council to carry out the responsibilities of the Council for that fiscal year.”.

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. LOAN APPLICATION PROCESSING.

(a) STUDY.—The Administrator of the Small Business Administration shall conduct a study to determine the average time that the Administration requires to process an application for each type of loan or loan guarantee made under the Small Business Act (15 U.S.C. 631 et seq.).

(b) TRANSMITTAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress the results of the study conducted under subsection (a).

SEC. 802. APPLICATION OF OWNERSHIP REQUIREMENTS.

(a) SMALL BUSINESS ACT.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

“(29) OWNERSHIP REQUIREMENTS.—Ownership requirements to determine the eligi-

bility of a small business concern that applies for assistance under any credit program under this Act shall be determined without regard to any ownership interest of a spouse arising solely from the application of the community property laws of a State for purposes of determining marital interests.”.

(b) SMALL BUSINESS INVESTMENT ACT OF 1958.—Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended by adding at the end the following:

“(6) OWNERSHIP REQUIREMENTS.—Ownership requirements to determine the eligibility of a small business concern that applies for assistance under any credit program under this title shall be determined without regard to any ownership interest of a spouse arising solely from the application of the community property laws of a State for purposes of determining marital interests.”.

SEC. 803. SUBCONTRACTING PREFERENCE FOR VETERANS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) in paragraph (1), by inserting “small business concerns owned and controlled by veterans,” after “small business concerns,” the first place that term appears in each of the first and second sentences;

(2) in paragraph (3)—

(A) in subparagraph (A), by inserting “small business concerns owned and controlled by service-disabled veterans,” after “small business concerns owned and controlled by veterans,” in each of the first and second sentences; and

(B) in subparagraph (F), by inserting “small business concerns owned and controlled by service-disabled veterans,” after “small business concern owned and controlled by veterans,”; and

(3) in each of paragraphs (4)(D), (4)(E), (6)(A), (6)(C), (6)(F), and (10)(B), by inserting “small business concerns owned and controlled by service-disabled veterans,” after “small business concerns owned and controlled by veterans,”.

SEC. 804. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM FUNDING.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Section 20(a)(1) of the Small Business Act (15 U.S.C. 631 note) is amended by striking “For fiscal year 1985” and all that follows through “expended.” and inserting the following: “For fiscal year 2000 and each fiscal year thereafter, there are authorized to be appropriated such sums as may be necessary and appropriate, to remain available until expended, and to be available solely—

“(A) to carry out the Small Business Development Center Program under section 21, but not to exceed the annual funding level, as specified in section 21(a);

“(B) to pay the expenses of the National Small Business Development Center Advisory Board, as provided in section 21(i);

“(C) to pay the expenses of the information sharing system, as provided in section 21(c)(8);

“(D) to pay the expenses of the association referred to in section 21(a)(3)(A) for conducting the certification program, as provided in section 21(k)(2); and

“(E) to pay the expenses of the Administration, including salaries of examiners, for conducting examinations as part of the certification program conducted by the association referred to in section 21(a)(3)(A).”.

(2) TECHNICAL AMENDMENT.—Section 20(a) of the Small Business Act (15 U.S.C. 631 note) is amended by moving the margins of paragraphs (3) and (4), including subparagraphs (A) and (B) of paragraph (4), 2 ems to the left.

(b) FUNDING FORMULA.—Section 21(a)(4)(C) of the Small Business Act (15 U.S.C. 648(a)(4)(C)) is amended to read as follows:

“(C) FUNDING FORMULA.—

“(i) IN GENERAL.—Subject to clause (iii), the amount of a formula grant received by a State under this subparagraph shall be equal to an amount determined in accordance with the following formula:

“(I) The annual amount made available under section 20(a) for the Small Business Development Center Program, less any reductions made for expenses authorized by clause (v) of this subparagraph, shall be divided on a pro rata basis, based on the percentage of the population of each State, as compared to the population of the United States.

“(II) If the pro rata amount calculated under subclause (I) for any State is less than the minimum funding level under clause (iii), the Administration shall determine the aggregate amount necessary to achieve that minimum funding level for each such State.

“(III) The aggregate amount calculated under subclause (II) shall be deducted from the amount calculated under subclause (I) for States eligible to receive more than the minimum funding level. The deductions shall be made on a pro rata basis, based on the population of each such State, as compared to the total population of all such States.

“(IV) The aggregate amount deducted under subclause (III) shall be added to the grants of those States that are not eligible to receive more than the minimum funding level in order to achieve the minimum funding level for each such State, except that the eligible amount of a grant to any State shall not be reduced to an amount below the minimum funding level.

“(ii) GRANT DETERMINATION.—The amount of a grant that a State is eligible to apply for under this subparagraph shall be the amount determined under clause (i), subject to any modifications required under clause (iii), and shall be based on the amount available for the fiscal year in which performance of the grant commences, but not including amounts distributed in accordance with clause (iv). The amount of a grant received by a State under any provision of this subparagraph shall not exceed the amount of matching funds from sources other than the Federal Government, as required under subparagraph (A).

“(iii) MINIMUM FUNDING LEVEL.—The amount of the minimum funding level for each State shall be determined for each fiscal year based on the amount made available for that fiscal year to carry out this section, as follows:

“(I) If the amount made available is not less than \$81,500,000 and not more than \$90,000,000, the minimum funding level shall be \$500,000.

“(II) If the amount made available is less than \$81,500,000, the minimum funding level shall be the remainder of \$500,000 minus a percentage of \$500,000 equal to the percentage amount by which the amount made available is less than \$81,500,000.

“(III) If the amount made available is more than \$90,000,000, the minimum funding level shall be the sum of \$500,000 plus a percentage of \$500,000 equal to the percentage amount by which the amount made available exceeds \$90,000,000.

“(iv) DISTRIBUTIONS.—Subject to clause (iii), if any State does not apply for, or use, its full funding eligibility for a fiscal year, the Administration shall distribute the remaining funds as follows:

“(I) If the grant to any State is less than the amount received by that State in fiscal year 2000, the Administration shall distribute such remaining funds, on a pro rata basis, based on the percentage of shortage of each such State, as compared to the total amount of such remaining funds available, to the extent necessary in order to increase the

amount of the grant to the amount received by that State in fiscal year 2000, or until such funds are exhausted, whichever first occurs.

“(II) If any funds remain after the application of subclause (I), the remaining amount may be distributed as supplemental grants to any State, as the Administration determines, in its discretion, to be appropriate, after consultation with the association referred to in subsection (a)(3)(A).

“(v) USE OF AMOUNTS.—

“(I) IN GENERAL.—Of the amounts made available in any fiscal year to carry out this section—

“(aa) not more than \$500,000 may be used by the Administration to pay expenses enumerated in subparagraphs (B) through (D) of section 20(a)(1); and

“(bb) not more than \$500,000 may be used by the Administration to pay the examination expenses enumerated in section 20(a)(1)(E).

“(II) LIMITATION.—No funds described in subclause (I) may be used for examination expenses under section 20(a)(1)(E) if the usage would reduce the amount of grants made available under clause (i)(I) of this subparagraph to less than \$85,000,000 (after excluding any amounts provided in appropriations Acts for specific institutions or for purposes other than the general small business development center program) or would further reduce the amount of such grants below such amount.

“(vi) EXCLUSIONS.—Grants provided to a State by the Administration or another Federal agency to carry out subsection (a)(6) or (c)(3)(G), or for supplemental grants set forth in clause (iv)(II) of this subparagraph, shall not be included in the calculation of maximum funding for a State under clause (ii) of this subparagraph.

“(vii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph \$125,000,000 for each of fiscal years 2001, 2002, and 2003.

“(viii) STATE DEFINED.—In this subparagraph, the term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.”

SEC. 805. SURETY BONDS.

(a) CONTRACT AMOUNTS.—Section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b) is amended—

(1) in subsection (a)(1), by striking “\$1,250,000” and inserting “\$2,000,000”; and

(2) in subsection (e)(2), by striking “\$1,250,000” and inserting “\$2,000,000”.

(b) EXTENSION OF CERTAIN AUTHORITY.—Section 207 of the Small Business Administration Reauthorization and Amendment Act of 1988 (15 U.S.C. 694b note) is amended by striking “2000” and inserting “2003”.

SEC. 806. SIZE STANDARDS.

(a) INDUSTRY CLASSIFICATIONS.—Section 15(a) of the Small Business Act (15 U.S.C. 644(a)) is amended in the eighth sentence, by striking “four-digit standard” and all that follows through “published” and inserting “definition of a ‘United States industry’ under the North American Industry Classification System, as established”.

(b) ANNUAL RECEIPTS.—Section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1)) is amended by striking “\$500,000” and inserting “\$750,000”.

(c) CERTAIN PACKING HOUSES.—

(1) IN GENERAL.—Section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1)) is amended by inserting before the period the following: “and, in the case of an enterprise that is a fresh fruit and vegetable packing house, has not more than 200 employees”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to any ap-

plication to the Small Business Administration for emergency or disaster loan assistance that was pending on or after April 1, 1999.

SEC. 807. NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT CENTERS.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 21A the following:

“SEC. 21B. NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT CENTER NETWORK.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘Alaska Native’ means a Native (as such term is defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)));

“(2) the term ‘Indian tribe’ has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

“(3) the terms ‘Native American Small Business Development Center Network’ and ‘Network’ mean 1 lead center small business development center with satellite locations located on Alaska Native, Indian, or Native Hawaiian lands;

“(4) the terms ‘Native Hawaiian’ and ‘Native Hawaiian Organization’ have the same meanings as in paragraphs (1) and (3), respectively, of section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912) and section 8(a)(15) of this Act;

“(5) the term ‘Indian lands’ includes lands within the definition of—

“(A) the term ‘Indian country’, as defined in section 1151 of title 18, United States Code; and

“(B) the term ‘reservation’, as defined in—

“(i) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)), except that such section shall be applied by treating the term ‘former Indian reservations in Oklahoma’ as including only lands that are within the jurisdictional area of an Oklahoma Indian Tribe (as determined by the Secretary of the Interior) and are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations, as in effect on the date of enactment of this section; and

“(ii) section 4(10) of the Indian Child Welfare Act (25 U.S.C. 1903(10));

“(6) the term ‘Tribal Business Information Center’ means a business information center established by the Administration and a tribal organization on Alaska Native, Indian, or Native Hawaiian lands, as authorized by this section;

“(7) the terms ‘Tribal Electronic Commerce Small Business Resource Center’ and ‘Resource Center’ mean an information sharing system and resource center providing research and resources to the Network, as authorized by this section; and

“(8) the term ‘tribal organization’ has the same meaning as in section 4(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(1)), except for the proviso contained in that paragraph, and includes Native Hawaiian Organizations and organizations of Alaska Natives.

“(b) AUTHORITY FOR NETWORK.—

“(1) IN GENERAL.—The Administration may establish a Native American Small Business Development Center Network and a Tribal Electronic Commerce Small Business Resource Center.

“(2) PURPOSE.—The purpose of the Network shall be to stimulate Alaska Native, Indian, and Native Hawaiian economies through the creation and expansion of small businesses.

“(3) ESTABLISHMENT.—The Administration may provide 1 or more contracts, grants, and cooperative agreements to any established tribal organization to establish the Network and the Resource Center. Awards made under this section may be subgranted.

“(c) USES OF ASSISTANCE.—Services provided by the Network shall include—

“(1) providing current business management and technical assistance in a cost-effective and culturally tailored manner that primarily serves Alaska Natives, members of Indian tribes, or Native Hawaiians;

“(2) providing Tribal Business Information Centers with current electronic commerce information, training, and other forms of technical assistance;

“(3) supporting the Resource Center; and

“(4) providing any of the services that a small business development center may provide under section 21.

“(d) GRANT AND COOPERATIVE AGREEMENT MATCHING REQUIREMENT.—

“(1) IN GENERAL.—As a condition for receiving a contract, grant, or cooperative agreement authorized by this section, the recipient organization shall agree to obtain, after its application has been approved and notice of award has been issued, cash or in kind contributions from non-Federal sources as follows:

“(A) One non-Federal dollar for each 4 Federal dollars in the first and second years of the term of the assistance.

“(B) One non-Federal dollar for each 3 Federal dollars in the third and fourth years of the term of the assistance.

“(C) One non-Federal dollar for each Federal dollar in the fifth and succeeding years of the term of the assistance.

“(2) WAIVER.—The Administration may waive or reduce the matching funds requirements in paragraph (1) with respect to a recipient organization if the Administration determines that such action is consistent with the purposes of this section and in the best interests of the program authorized by this section.

“(3) EXCEPTION.—The matching funds requirement of paragraph (1) does not apply to contracts, grants, or cooperative agreements made to a tribal organization for the Resource Center.

“(e) AUTHORIZATION.—There is authorized to be appropriated—

“(1) to carry out this section, \$3,000,000 for fiscal year 2001 and each subsequent fiscal year; and

“(2) to fund the establishment and implementation of one Resource Center under the authority of this section, \$500,000 for fiscal year 2001 and each subsequent fiscal year.”.

(b) NATIVE HAWAIIAN ORGANIZATIONS UNDER SECTION 8(a).—Section 8(a)(15)(A) of the Small Business Act (15 U.S.C. 637(a)(15)(A)) is amended to read as follows:

“(A) is a nonprofit corporation that has filed articles of incorporation with the director (or the designee thereof) of the Hawaii Department of Commerce and Consumer Affairs, or any successor agency.”.

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, October 4, 2000, at 9:30 a.m. in room 366 of the Dirksen 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.

MEASURE READ THE FIRST TIME—S. 3146

Mr. KYL. Mr. President, I understand that S. 3146 is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3146) to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

Mr. KYL. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

SMALL BUSINESS INNOVATION RESEARCH PROGRAM AUTHORIZATION ACT OF 2000

Mr. KYL. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives on the bill, H.R. 2392, an act to amend the Small Business Act to extend the authorization for the Small Business Innovation Research program, and for other purposes.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2392) entitled “An Act to amend the Small Business Act to extend the authorization for the Small Business Innovation Research Program, and for other purposes,” with the following amendment:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

TITLE I—SMALL BUSINESS INNOVATION RESEARCH PROGRAM

Sec. 101. Short title.

Sec. 102. Findings.

Sec. 103. Extension of SBIR program.

Sec. 104. Annual report.

Sec. 105. Third phase assistance.

Sec. 106. Report on programs for annual performance plan.

Sec. 107. Output and outcome data.

Sec. 108. National Research Council reports.

Sec. 109. Federal agency expenditures for the SBIR program.

Sec. 110. Policy directive modifications.

Sec. 111. Federal and State technology partnership program.

Sec. 112. Mentoring networks.

Sec. 113. Simplified reporting requirements.

Sec. 114. Rural outreach program extension.

TITLE II—GENERAL BUSINESS LOAN PROGRAM

Sec. 201. Short title.

Sec. 202. Levels of participation.

Sec. 203. Loan amounts.

Sec. 204. Interest on defaulted loans.

Sec. 205. Prepayment of loans.

Sec. 206. Guarantee fees.

Sec. 207. Lease terms.

TITLE III—CERTIFIED DEVELOPMENT COMPANY PROGRAM

Sec. 301. Short title.

Sec. 302. Women-owned businesses.

Sec. 303. Maximum debenture size.

Sec. 304. Fees.

Sec. 305. Premier certified lenders program.

Sec. 306. Sale of certain defaulted loans.

Sec. 307. Loan liquidation.

TITLE IV—CORRECTIONS TO THE SMALL BUSINESS INVESTMENT ACT OF 1958

Sec. 401. Short title.

Sec. 402. Definitions.

Sec. 403. Investment in small business investment companies.

Sec. 404. Subsidy fees.

Sec. 405. Distributions.

Sec. 406. Conforming amendment.

TITLE V—REAUTHORIZATION OF SMALL BUSINESS PROGRAMS

Sec. 501. Short title.

Sec. 502. Reauthorization of small business programs.

Sec. 503. Additional reauthorizations.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Loan application processing.

Sec. 602. Application of ownership requirements.

Sec. 603. Eligibility for HUBZone program.

Sec. 604. Subcontracting preference for veterans.

Sec. 605. Small business development center program funding.

Sec. 606. Surety bonds.

TITLE I—SMALL BUSINESS INNOVATION RESEARCH PROGRAM

SEC. 101. SHORT TITLE.

(a) *SHORT TITLE.*—This title may be cited as the “Small Business Innovation Research Program Reauthorization Act of 2000”.

SEC. 102. FINDINGS.

Congress finds that—

(1) the small business innovation research program established under the Small Business Innovation Development Act of 1982, and reauthorized by the Small Business Research and Development Enhancement Act of 1992 (in this Act referred to as the “SBIR program”) is highly successful in involving small businesses in federally funded research and development;

(2) the SBIR program made the cost-effective and unique research and development capabilities possessed by the small businesses of the Nation available to Federal agencies and departments;

(3) the innovative goods and services developed by small businesses that participated in the SBIR program have produced innovations of critical importance in a wide variety of high-technology fields, including biology, medicine, education, and defense;

(4) the SBIR program is a catalyst in the promotion of research and development, the commercialization of innovative technology, the development of new products and services, and the continued excellence of this Nation’s high-technology industries; and

(5) the continuation of the SBIR program will provide expanded opportunities for one of the Nation’s vital resources, its small businesses, will foster invention, research, and technology, will create jobs, and will increase this Nation’s competitiveness in international markets.

SEC. 103. EXTENSION OF SBIR PROGRAM.

Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended to read as follows:

“(m) *TERMINATION.*—The authorization to carry out the Small Business Innovation Research Program established under this section shall terminate on September 30, 2008.”.

SEC. 104. ANNUAL REPORT.

Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)) is amended by striking “and the Committee on Small Business of the House of Representatives” and inserting “, and to the Committee on Science and the Committee on Small Business of the House of Representatives.”.

SEC. 105. THIRD PHASE ASSISTANCE.

Section 9(e)(4)(C)(i) of the Small Business Act (15 U.S.C. 638(e)(4)(C)(i)) is amended by striking “; and” and inserting “; or”.