SENATE RESOLUTION 346—ACKNOWLEDGING THAT THE UNDEFEATED AND UNTIED 1951 UNIVERSITY OF SAN FRANCISCO FOOTBALL TEAM SUFFERED A GRAVE INJUSTICE BY NOT BEING INVITED TO ANY POST-SEASON BOWL GAME DUE TO RACIAL PREJUDICE THAT PREVAILED AT THE TIME AND SEEKING APPROPRIATE RECOGNITION FOR THE SURVIVING MEMBERS OF THAT CHAMPIONSHIP TEAM

Mrs. BOXER submitted the following resolution; which was considered and agreed to:

S. RES. 346

Whereas the 1951 University of San Francisco Dons football team completed its championship season with an unblemished record;

Whereas this closely knit team failed to receive an invitation to compete in any post-season Bowl game because two of its players were African-American;

Whereas the 1951 University of San Francisco Dons football team courageously and rightly rejected an offer to play in a Bowl game without their African-American teammates;

Whereas this exceptionally gifted team, for the most objectionable of reasons, was deprived of the opportunity to prove itself before a national audience;

Whereas ten members of this team were drafted into the National Football League, five played in the Pro Bowl and three were inducted into the Hall of Fame;

Whereas our Nation has made great strides in overcoming the barriers of oppression, intolerance, and discrimination in order to ensure fair and equal treatment for every American by every American; and

Whereas it is appropriate and fitting to now offer these athletes the attention and accolades they earned but were denied:

Now, therefore be it *Resolved*, That the Senate—

(1) applauds the undefeated and untied 1951 University of San Francisco Dons football team for its determination, commitment and integrity both on and off the playing field; and

(2) acknowledges that the treatment endured by this team was wrong and that recognition for its accomplishments is long overdue.

AMENDMENTS SUBMITTED

JUSTICE FOR VICTIMS OF TERRORISM ACT

MACK (AND OTHERS) AMENDMENT NO. 4021

(Ordered to lie on the table.)

Mr. MACK (for himself, Mr. LAUTENBERG, Mr. LEAHY, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by them to the bill (S. 1796) to modify the enforcement of certain anti-terrorism judgments, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. ENFORCEMENT OF CERTAIN ANTI-TERRORISM JUDGMENTS.

(a) SHORT TITLE.—This section may be cited as the ''Justice for Victims of Terrorism Act''.

(b) DEFINITION.—

(1) IN GENERAL.—Section 1603(b) of title 28, United States Code, is amended—

(A) in paragraph (3) by striking the period and inserting a semicolon and ''and'';

(B) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(C) by striking ''(b)'' through ''entity—'' and inserting the following:

''(b) An 'agency or instrumentality of a foreign state' means—

''(1) any entity—''; and

(D) by adding at the end the following:

''(2) for purposes of sections 1605(a)(7) and 1610 (a)(7) and (f), any entity as defined under subparagraphs (A) and (B) of paragraph (1), and subparagraph (C) of paragraph (1) shall not apply.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 1391(f)(3) of title 28, United States Code, is amended by striking ''1603(b)'' and inserting ''1603(b)(1)''.

(c) ENFORCEMENT OF JUDGMENTS.—Section 1610(f) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by striking ''(including any agency or instrumentality or such state)'' and inserting ''(including any agency or instrumentality of such state)''; and

(B) by adding at the end the following:

''(C) Notwithstanding any other provision of law, moneys due from or payable by the United States (including any agency, subdivision or instrumentality thereof) to any state against which a judgment is pending under section 1605(a)(7) shall be subject to attachment and execution, in like manner and to the same extent as if the United States were a private person.''; and

(2) by adding at the end the following:

''(3)(A) Subject to subparagraph (B), upon determining on an asset-by-asset basis that a waiver is necessary in the national security interest, the President may waive this subsection in connection with (and prior to the enforcement of) any judicial order directing attachment in aid of execution or execution against any property subject to the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the United Nations Headquarters Agreement, or the Convention on the Privileges and Immunities of the United Nations.

''(B) A waiver under this paragraph shall not apply to—

''(i) if property subject to the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the United Nations Headquarters Agreement, or the Convention on the Privileges and Immunities of the United Nations has been used for any nondiplomatic purpose (including use as rental property), the proceeds of such use; or

''(ii) if any asset subject to the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the United Nations Headquarters Agreement, or the Convention on the Privileges and Immunities of the United Nations is sold or otherwise transferred for value to a third party, the proceeds of such sale or transfer.

''(C) In this paragraph, the term 'property subject to the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the United Nations Headquarters Agreement, or the Convention on the Privileges and Immunities of the United Nations' and the term 'asset subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations' mean any property or asset, respectively, the attachment in aid of execution or execution of which would result in a violation of an obligation of the United States under the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the United Nations Headquarters Agreement, or the Convention on the Privileges and Immunities of the United Nations, as the case may be.

''(4) For purposes of this subsection, all assets of any agency or instrumentality of a foreign state shall be treated as assets of that foreign state.''.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 117(d) of the Treasury Department Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–492) is repealed.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to any claim for which a foreign state is not immune under section 1605(a)(7) of title 28, United States Code, arising before, on, or after the date of enactment of this Act.

(f) PAYGO ADJUSTMENT.—The Director of OMB shall not make any estimates of changes in direct spending outlays and receipts under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)) for any fiscal year resulting from enactment of this section.

SEC. 2. AID FOR VICTIMS OF TERRORISM.

(a) MEETING THE NEEDS OF VICTIMS OF TERRORISM OUTSIDE THE UNITED STATES.—

(1) IN GENERAL.—Section 1404B(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(a)) is amended as follows:

''(a) VICTIMS OF ACTS OF TERRORISM OUTSIDE UNITED STATES.—

''(1) IN GENERAL.—The Director may make supplemental grants as provided in 1402(d)(5) to States, victim service organizations, and public agencies (including Federal, State, or local governments) and nongovernmental organizations that provide assistance to victims of crime, which shall be used to provide emergency relief, including crisis response efforts, assistance, training, and technical assistance, and ongoing assistance, including during any investigation or prosecution, to victims of terrorist acts or mass violence occurring outside the United States who are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

''(2) VICTIM DEFINED.—In this subsection, the term 'victim'—

''(A) means a person who is a national of the United States or an officer or employee of the United States who is injured or killed as a result of a terrorist act or mass violence occurring outside the United States; and

''(B) in the case of a person described in subparagraph (A) who is less than 18 years of age, incompetent, incapacitated, or deceased, includes a family member or legal guardian of that person.

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to allow the Director to make grants to any foreign power (as defined by section 101(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)) or to any domestic or foreign organization operated for the purpose of engaging in any significant political or lobbying activities.''.

(2) APPLICABILITY.—The amendment made by this subsection shall apply to any terrorist act or mass violence occurring on or after December 21, 1988, with respect to which an investigation or prosecution was ongoing after April 24, 1996.

(3) ADMINISTRATIVE PROVISION.—Not later than 90 days after the date of enactment of this Act, the Director shall establish guidelines under section 1407(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10604(a)) to specify the categories of organizations and agencies to which the Director may make grants under this subsection.

(4) TECHNICAL AMENDMENT.—Section 1404B(b) of the Victims of Crime Act of 1984

(42 U.S.C. 10603b(b)) is amended by striking ''1404(d)(4)(B)'' and inserting ''1402(d)(5)''.

(b) AMENDMENTS TO EMERGENCY RESERVE FUND.—

(1) CAP INCREASE.—Section 1402(d)(5)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)(A)) is amended by striking ''$50,000,000'' and inserting ''$100,000,000''.

(2) TRANSFER.—Section 1402(e) of the Victims of Crime Act of 1984 (42 U.S.C 10601(e)) is amended by striking ''in excess of $500,000'' and all that follows through ''than $500,000'' and inserting ''shall be available for deposit into the emergency reserve fund referred to in subsection (d)(5) at the discretion of the Director. Any remaining unobligated sums''.

(c) COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.—

(1) IN GENERAL.—The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404B the following:

''SEC. 1404C. COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.

''(a) DEFINITIONS.—In this section:

''(1) INTERNATIONAL TERRORISM.—The term 'international terrorism' has the meaning given the term in section 2331 of title 18, United States Code.

''(2) NATIONAL OF THE UNITED STATES.—The term 'national of the United States' has the meaning given the term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

''(3) VICTIM.—

''(A) IN GENERAL.—The term 'victim' means a person who—

''(i) suffered direct physical or emotional injury or death as a result of international terrorism occurring on or after December 21, 1988 with respect to which an investigation or prosecution was ongoing after April 24, 1996; and

''(ii) as of the date on which the international terrorism occurred, was a national of the United States or an officer or employee of the United States Government.

''(B) INCOMPETENT, INCAPACITATED, OR DECEASED VICTIMS.—In the case of a victim who is less than 18 years of age, incompetent, incapacitated, or deceased, a family member or legal guardian of the victim may receive the compensation under this section on behalf of the victim.

''(C) EXCEPTION.—Notwithstanding any other provision of this section, in no event shall an individual who is criminally culpable for the terrorist act or mass violence receive any compensation under this section, either directly or on behalf of a victim.

''(b) AWARD OF COMPENSATION.—The Director may use the emergency reserve referred to in section 1402(d)(5)(A) to carry out a program to compensate victims of acts of international terrorism that occur outside the United States for expenses associated with that victimization.

''(c) ANNUAL REPORT.—The Director shall annually submit to Congress a report on the status and activities of the program under this section, which report shall include—

''(1) an explanation of the procedures for filing and processing of applications for compensation;

''(2) a description of the procedures and policies instituted to promote public awareness about the program;

''(3) a complete statistical analysis of the victims assisted under the program, including—

''(A) the number of applications for compensation submitted;

''(B) the number of applications approved and the amount of each award;

''(C) the number of applications denied and the reasons for the denial;

''(D) the average length of time to process an application for compensation; and

''(E) the number of applications for compensation pending and the estimated future liability of the program; and

''(4) an analysis of future program needs and suggested program improvements.''.

(2) CONFORMING AMENDMENT.—Section 1402(d)(5)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)(B)) is amended by inserting '', to provide compensation to victims of international terrorism under the program under section 1404C,'' after ''section 1404B''.

(d) AMENDMENTS TO VICTIMS OF CRIME FUND.—Section 1402(c) of the Victims of Crime Act 1984 (42 U.S.C. 10601(c)) is amended by adding at the end the following: ''Notwithstanding section 1402(d)(5), all sums deposited in the Fund in any fiscal year that are not made available for obligation by Congress in the subsequent fiscal year shall remain in the Fund for obligation in future fiscal years, without fiscal year limitation.''.

COAST GUARD AUTHORIZATION ACT OF 1999

SNOWE (AND KERRY) AMENDMENT NO. 4022

Mr. CAMPBELL (for Ms. SNOWE (for herself and Mr. KERRY)) proposed an amendment to the bill (S. 1089) to authorize for fiscal years 2000 and 2001 for the United States Coast Guard, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Coast Guard Authorization Act of 2000''.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION FOR FISCAL YEAR 2000.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2000, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,781,000,000, of which $300,000,000 shall be available for defense-related activities and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $389,326,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $19,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, such sums as may be necessary, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $17,000,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $15,000,000, to remain available until expended.

(b) AUTHORIZATION FOR FISCAL YEAR 2001.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2001, as follows:

(1) For the operation and maintenance of the Coast Guard, $3,399,000,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $520,000,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990, and of which $110,000,000 shall be available for the construction and acquisition of a replacement vessel for the Coast Guard Cutter MACKINAW.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $21,320,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, such sums as may be necessary, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $16,700,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $15,500,000, to remain available until expended.

(c) AUTHORIZATION FOR FISCAL YEAR 2002.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2002 as such sums as may be necessary, of which $8,000,000 shall be available for construction or acquisition of a replacement vessel for the Coast Guard Cutter MACKINAW.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2000.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 40,000 as of September 30, 2000.

(b) TRAINING STUDENT LOADS FOR FISCAL YEAR 2000.—For fiscal year 2000, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 100 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,000 student years.

(c) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2001.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 44,000 as of September 30, 2001.

(d) TRAINING STUDENT LOADS FOR FISCAL YEAR 2001.—For fiscal year 2001, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,000 student years.

(e) END-OF-THE-YEAR STRENGTH FOR FISCAL YEAR 2002.—The Coast Guard is authorized an end-of-year strength of active duty personnel of 45,500 as of September 30, 2002.

(f) TRAINING STUDENT LOADS FOR FISCAL YEAR 2002.—For fiscal year 2002, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,000 student years.

SEC. 103. LORAN-C.

(a) FISCAL YEAR 2001.—There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation infrastructure, $20,000,000 for fiscal year 2001. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

(b) FISCAL YEAR 2002.—There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation infrastructure, $40,000,000 for fiscal year 2002. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

SEC. 104. PATROL CRAFT.

(a) TRANSFER OF CRAFT FROM DOD.—Notwithstanding any other provision of law, the Secretary of Transportation may accept, by direct transfer without cost, for use by the Coast Guard primarily for expanded drug interdiction activities required to meet national supply reduction performance goals, up to 7 PC-170 patrol craft from the Department of Defense if it offers to transfer such craft.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Coast Guard, in addition to amounts otherwise authorized by this Act, up to $100,000,000, to remain available until expended, for the conversion of, operation and maintenance of, personnel to operate and support, and shoreside infrastructure requirements for, up to 7 patrol craft.

SEC. 105. CARIBBEAN SUPPORT TENDER.

The Coast Guard is authorized to operate and maintain a Caribbean Support Tender (or similar type vessel) to provide technical assistance, including law enforcement training, for foreign coast guards, navies, and other maritime services.

TITLE II—PERSONNEL MANAGEMENT

SEC. 201. COAST GUARD BAND DIRECTOR RANK.

Section 336(d) of title 14, United States Code, is amended by striking ''commander'' and inserting ''captain''.

SEC. 202. COAST GUARD MEMBERSHIP ON THE USO BOARD OF GOVERNORS.

Section 220104(a)(2) of title 36, United States Code, is amended—

(1) by striking ''and'' at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

''(C) the Secretary of Transportation, or the Secretary's designee, when the Coast Guard is not operating under the Department of the Navy; and''.

SEC. 203. COMPENSATORY ABSENCE FOR ISOLATED DUTY.

(a) IN GENERAL.—Section 511 of title 14, United States Code, is amended to read as follows:

''§ 511. Compensatory absence from duty for military personnel at isolated duty stations

''The Secretary may prescribe regulations to grant compensatory absence from duty to military personnel of the Coast Guard serving at isolated duty stations of the Coast Guard when conditions of duty result in confinement because of isolation or in long periods of continuous duty.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 13 of title 14, United States Code, is amended by striking the item relating to section 511 and inserting the following:

''511. Compensatory absence from duty for military personnel at isolated duty stations''.

SEC. 204. ACCELERATED PROMOTION OF CERTAIN COAST GUARD OFFICERS.

Title 14, United States Code, is amended—

(1) in section 259, by adding at the end a new subsection (c) to read as follows:

''(c) After selecting the officers to be recommended for promotion, a selection board may recommend officers of particular merit, from among those officers chosen for promotion, to be placed at the top of the list of selectees promulgated by the Secretary under section 271(a) of this title. The number of officers that a board may recommend to be placed at the top of the list of selectees may not exceed the percentages set forth in subsection (b) unless such a percentage is a number less than one, in which case the board may recommend one officer for such placement. No officer may be recommended to be placed at the top of the list of selectees unless he or she receives the recommendation of at least a majority of the members of a board composed of five members, or at least two-thirds of the members of a board composed of more than five members.'';

(2) in section 260(a), by inserting ''and the names of those officers recommended to be advanced to the top of the list of selectees established by the Secretary under section 271(a) of this title'' after ''promotion''; and

(3) in section 271(a), by inserting at the end thereof the following: ''The names of all officers approved by the President and recommended by the board to be placed at the top of the list of selectees shall be placed at the top of the list of selectees in the order of seniority on the active duty promotion list.''.

SEC. 205. COAST GUARD ACADEMY BOARD OF TRUSTEES.

(a) IN GENERAL.—Section 193 of title 14, United States Code, is amended to read as follows:

''§ 193. Board of Trustees.

''(a) ESTABLISHMENT.—The Commandant of the Coast Guard may establish a Coast Guard Academy Board of Trustees to provide advice to the Commandant and the Superintendent on matters relating to the operation of the Academy and its programs.

''(b) MEMBERSHIP.—The Commandant shall appoint the members of the Board of Trustees, which may include persons of distinction in education and other fields related to the missions and operation of the Academy. The Commandant shall appoint a chairperson from among the members of the Board of Trustees.

''(c) EXPENSES.—Members of the Board of Trustees who are not Federal employees shall be allowed travel expenses while away from their homes or regular places of business in the performance of service for the Board of Trustees. Travel expenses include per diem in lieu of subsistence in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5.

''(d) FACA NOT TO APPLY.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board of Trustees established pursuant to this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 194(a) of title 14, United States Code, is amended by striking ''Advisory Committee'' and inserting ''Board of Trustees''.

(2) The chapter analysis for chapter 9 of title 14, United States Code, is amended by striking the item relating to section 193, and inserting the following:

''193. Board of Trustees''.

SEC. 206. SPECIAL PAY FOR PHYSICIAN ASSISTANTS.

Section 302c(d)(1) of title 37, United States Code, is amended by inserting ''an officer in the Coast Guard or Coast Guard Reserve designated as a physician assistant,'' after ''nurse,''.

SEC. 207. SUSPENSION OF RETIRED PAY OF COAST GUARD MEMBERS WHO ARE ABSENT FROM THE UNITED STATES TO AVOID PROSECUTION.

Procedures promulgated by the Secretary of Defense under section 633(a) of the National Defense Authorization Act for Fiscal Year 1997 (Pub. L. 104-201) shall apply to the Coast Guard. The Commandant of the Coast Guard shall be considered a Secretary of a military department for purposes of suspending pay under section 633 of that Act.

SEC. 208. EXTENSION OF COAST GUARD HOUSING AUTHORITIES.

Section 689 of title 14, United States Code, is amended by striking ''2001.'' and inserting ''2006.''.

TITLE III—MARINE SAFETY

SEC. 301. EXTENSION OF TERRITORIAL SEA FOR VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE ACT.

Section 4(b) of the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1203(b)), is amended by striking ''United States inside the lines established pursuant to section 2 of the Act of February 19, 1895 (28 Stat. 672), as amended.'' and inserting ''United States, which includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.''.

SEC. 302. ICEBREAKING SERVICES.

The Commandant of the Coast Guard shall not plan, implement or finalize any regulation or take any other action which would result in the decommissioning of any WYTL-class harbor tugs unless and until the Commandant certifies in writing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House, that sufficient replacement assets have been procured by the Coast Guard to remediate any degradation in current

icebreaking services that would be caused by such decommissioning.

SEC. 303. OIL SPILL LIABILITY TRUST FUND ANNUAL REPORT.

(a) IN GENERAL.—The report regarding the Oil Spill Liability Trust Fund required by the Conference Report (House Report 101–892) accompanying the Department of Transportation and Related Agencies Appropriations Act, 1991, as that requirement was amended by section 1122 of the Federal Reports Elimination and Sunset Act of 1995 (26 U.S.C. 9509 note), shall no longer be submitted to Congress.

(b) REPEAL.—Section 1122 of the Federal Reports Elimination and Sunset Act of 1995 (26 U.S.C. 9509 note) is amended by—

(1) striking subsection (a); and

(2) striking ''(b) REPORT ON JOINT FEDERAL AND STATE MOTOR FUEL TAX COMPLIANCE PROJECT.—''.

SEC. 304. OIL SPILL LIABILITY TRUST FUND; EMERGENCY FUND BORROWING AUTHORITY.

Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752(b)) is amended after the first sentence by inserting ''To the extent that such amount is not adequate for removal of a discharge or the mitigation or prevention of a substantial threat of a discharge, the Coast Guard may borrow from the Fund such sums as may be necessary, up to a maximum of $100,000,000, and within 30 days shall notify Congress of the amount borrowed and the facts and circumstances necessitating the loan. Amounts borrowed shall be repaid to the Fund when, and to the extent that removal costs are recovered by the Coast Guard from responsible parties for the discharge or substantial threat of discharge.''.

SEC. 305. MERCHANT MARINER DOCUMENTATION REQUIREMENTS.

(a) INTERIM MERCHANT MARINERS' DOCUMENTS.—Section 7302 of title 46, United States Code, is amended—

(1) by striking ''A'' in subsection (f) and inserting ''Except as provided in subsection (g), a''; and

(2) by adding at the end the following:

''(g)(1) The Secretary may, pending receipt and review of information required under subsections (c) and (d), immediately issue an interim merchant mariner's document valid for a period not to exceed 120 days, to—

''(A) an individual to be employed as gaming personnel, entertainment personnel, wait staff, or other service personnel on board a passenger vessel not engaged in foreign service, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; or

''(B) an individual seeking renewal of, or qualifying for a supplemental endorsement to, a valid merchant mariner's document issued under this section.

''(2) No more than one interim document may be issued to an individual under paragraph (1)(A) of this subsection.''.

(b) EXCEPTION.—Section 8701(a) of title 46, United States Code, is amended—

(1) by striking ''and'' after the semicolon in paragraph (8);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following:

''(9) a passenger vessel not engaged in a foreign voyage with respect to individuals on board employed for a period of not more than 30 service days within a 12 month period as entertainment personnel, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; and''.

SEC. 306. PENALTIES FOR NEGLIGENT OPERATIONS AND INTERFERING WITH SAFE OPERATION.

Section 2302(a) of title 46, United States Code, is amended by striking ''$1,000.'' and inserting ''$25,000.''.

SECTION 307. AMENDMENT OF DEATH ON THE HIGH SEAS ACT.

(a) RIGHT OF ACTION.—The first section of the Act of March 30, 1920 (46 U.S.C. App. 761; popularly known as the ''Death on the High Seas Act'') is amended—

(1) by striking ''accident'' in subsection (b) and inserting ''accident, or an accident involving a passenger on a vessel other than a recreational vessel or an individual on a recreational vessel (other than a member of the crew engaged in the business of the recreational vessel who has not contributed consideration for carriage and who is paid for on-board services),''; and

(2) by adding at the end the following:

''(c) PASSENGER; RECREATION VESSEL.—In this section:

''(1) PASSENGER.—The term 'passenger' has the meaning given that term by section 2101(21) of title 46, United States Code.

''(2) RECREATIONAL VESSEL.—The term 'recreational vessel' has the meaning given that term by section 2101(25) of title 46, United States Code.''.

(b) AMOUNT AND APPORTIONMENT OF RECOVERY.—Section 2(b) of that Act (46 U.S.C. App. 762(b)) is amended—

(1) by striking ''accident'' in paragraph (1) and inserting ''accident, or an accident involving a passenger on a vessel other than a recreational vessel or an individual on a recreational vessel (other than a member of the crew engaged in the business of the recreational vessel who has not contributed consideration for carriage and who is paid for on-board services),''; and

(2) by striking ''companionship.'' in paragraph (2) and inserting ''companionship, and the terms 'passenger' and 'recreational vessel' have the meaning given them by paragraphs (21) and (25), respectively, of section 2101 of title 46, United States Code.''.

(c) EFFECTIVE DATE.—The amendments made by this section apply to any death after November 22, 1995.

TITLE IV—RENEWAL OF ADVISORY GROUPS

SEC. 401. COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.

(a) COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.—Section 4508 of title 46, United States Code, is amended—

(1) by inserting ''**Safety**'' in the heading after ''**Vessel**'';

(2) by inserting ''Safety''in subsection (a) after ''Vessel'';

(3) by striking ''Secretary'' in subsection (a)(1) and inserting ''Secretary, through the Commandant of the Coast Guard,'';

(4) by striking ''Secretary'' in subsection (a)(4) and inserting ''Commandant'';

(5) by striking the last sentence in subsection (b)(5);

(6) by striking ''Committee'' in subsection (c)(1) and inserting ''Committee, through the Commandant,'';

(7) by striking ''shall'' in subsection (c)(2) and inserting ''shall, through the Commandant,''; and

(8) by striking ''(5 U.S.C App. 1 et seq.)'' in subsection (e)(1)(I) and inserting ''(5 U.S.C. App.)''; and

(9) by striking ''of September 30, 2000'' and inserting ''on September 30, 2005''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 45 of title 46, United States Code, is amended by striking the item relating to section 4508 and inserting the following:

''4508. Commercial Fishing Industry Vessel Safety Advisory Committee''.

SEC. 402. HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.

Section 18 of the Coast Guard Authorization Act of 1991 is amended—

(1) by striking ''operating (hereinafter in this part referred to as the 'Secretary')'' in the second sentence of subsection (a)(1) and inserting ''operating, through the Commandant of the Coast Guard,'';

(2) by striking ''Committee'' in the third sentence of subsection (a)(1) and inserting ''Committee, through the Commandant,'';

(3) by striking ''Secretary,'' in the second sentence of subsection (a)(2) and inserting ''Commandant,''; and

(4) by striking ''September 30, 2000.'' in subsection (h) and inserting ''September 30, 2005.''.

SEC. 403. LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.

Section 19 of the Coast Guard Authorization Act of 1991 (Public Law 102-241) is amended—

(1) by striking ''operating (hereinafter in this part referred to as the 'Secretary')'' in the second sentence of subsection (a)(1) and inserting ''operating, through the Commandant of the Coast Guard,'';

(2) by striking ''Committee'' in the third sentence of subsection (a)(1) and inserting ''Committee, through the Commandant,''; and

(3) by striking ''September 30, 2000'' in subsection (g) and inserting ''September 30, 2005''.

SEC. 404. GREAT LAKES PILOTAGE ADVISORY COMMITTEE

Section 9307 of title 46, United States Code, is amended—

(1) by striking ''Secretary'' in subsection (a)(1) and inserting ''Secretary, through the Commandant of the Coast Guard,'';

(2) by striking ''Secretary,'' in subsection (a)(4)(A) and inserting ''Commandant,'';

(3) by striking the last sentence of subsection (c)(2);

(4) by striking ''Committee'' in subsection (d)(1) and inserting ''Committee, through the Commandant,'';

(5) by striking ''Secretary'' in subsection (d)(2) and inserting ''Secretary, through the Commandant,''; and

(6) by striking ''September 30, 2003.'' in subsection (f)(1) and inserting ''September 30, 2005.''.

SEC. 405. NAVIGATION SAFETY ADVISORY COUNCIL

Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended—

(1) by striking ''Secretary'' in the first sentence of subsection (b) and inserting ''Secretary, through the Commandant of the Coast Guard,'';

(2) by striking ''Secretary'' in the third sentence of subsection (b) and inserting ''Commandant''; and

(3) by striking ''September 30, 2000'' in subsection (d) and inserting ''September 30, 2005''.

SEC. 406. NATIONAL BOATING SAFETY ADVISORY COUNCIL.

Section 13110 of title 46, United States Code, is amended—

(1) by striking ''consult'' in subsection (c) and inserting ''consult, through the Commandant of the Coast Guard,''; and

(2) by striking ''September 30, 2000'' in subsection (e) and inserting ''September 30, 2005''.

SEC. 407. TOWING SAFETY ADVISORY COMMITTEE.

The Act entitled An Act to Establish a Towing Safety Advisory Committee in the Department of Transportation (33 U.S.C. 1231a) is amended—

(1) by striking ''Secretary'' in the second sentence of subsection (b) and inserting

''Secretary, through the Commandant of the Coast Guard'';

(2) by striking ''Secretary'' in the first sentence of subsection (c) and inserting ''Secretary, through the Commandant,'';

(3) by striking ''Committee'' in the third sentence of subsection (c) and inserting ''Committee, through the Commandant,'';

(3) by striking ''Secretary,'' in the fourth sentence of subsection (c) and inserting ''Commandant,''; and

(4) by striking ''September 30, 2000.''in subsection (e) and inserting ''September 30, 2005.''.

TITLE V—MISCELLANEOUS.

SEC. 501. COAST GUARD REPORT ON IMPLEMENTATION OF NTSB RECOMMENDATIONS.

The Commandant of the United States Coast Guard shall submit a written report to the Committee on Commerce, Science, and Transportation within 90 days after the date of enactment of this Act on what actions the Coast Guard has taken to implement the recommendations of the National Transportation Safety Board in its Report No. MAR-99-01. The report—

(1) shall describe in detail, by geographic region—

(A) what steps the Coast Guard is taking to fill gaps in its communications coverage;

(B) what progress the Coast Guard has made in installing direction-finding systems; and

(C) what progress the Coast Guard has made toward completing its national distress and response system modernization project; and

(2) include an assessment of the safety benefits that might reasonably be expected to result from increased or accelerated funding for—

(A) measures described in paragraph (1)(A); and

(B) the national distress and response system modernization project.

SEC. 502. CONVEYANCE OF COAST GUARD PROPERTY IN PORTLAND, MAINE.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Administrator of the General Services Administration may convey to the Gulf of Maine Aquarium Development Corporation, its successors and assigns, without payment for consideration, all right, title, and interest of the United States of America in and to approximately 4.13 acres of land, including a pier and bulkhead, known as the Naval Reserve Pier property, together with any improvements thereon in their then current condition, located in Portland, Maine. All conditions placed with the deed of title shall be construed as covenants running with the land. Since the Federal agency actions necessary to effectuate the transfer of the Naval Reserve Pier property will further the objectives of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), requirements applicable to agency actions under these and other environmental planning laws are unnecessary and shall not be required. The provisions of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) shall not apply to any building or property at the Naval Reserve Pier property.

(2) IDENTIFICATION OF PROPERTY.—The Administrator, in consultation with the Commandant of the Coast Guard, may identify, describe, and determine the property to be conveyed under this section. The floating docks associated with or attached to the Naval Reserve Pier property shall remain the personal property of the United States.

(b) LEASE TO THE UNITED STATES.—

(1) The Naval Reserve Pier property shall not be conveyed until the Corporation enters into a lease agreement with the United States, the terms of which are mutually satisfactory to the Commandant and the Corporation, in which the Corporation shall lease a portion of the Naval Reserve Pier property to the United States for a term of 30 years without payment of consideration. The lease agreement shall be executed within 12 months after the date of enactment of this Act.

(2) The Administrator, in consultation with the Commandant, may identify and describe the Leased Premises and rights of access including, but not limited to, those listed below, in order to allow the United States Coast Guard to operate and perform missions, from and upon the Leased Premises:

(A) the right of ingress and egress over the Naval Reserve Pier property, including the pier and bulkhead, at any time, without notice, for purposes of access to United States Coast Guard vessels and performance of United States Coast Guard missions and other mission-related activities;

(B) the right to berth United States Coast Guard cutters or other vessels as required, in the moorings along the east side of the Naval Reserve Pier property, and the right to attach floating docks which shall be owned and maintained at the United States' sole cost and expense;

(C) the right to operate, maintain, remove, relocate, or replace an aid to navigation located upon, or to install any aid to navigation upon, the Naval Reserve Pier property as the Coast Guard, in its sole discretion, may determine is needed for navigational purposes;

(D) the right to occupy up to 3,000 gross square feet at the Naval Reserve Pier Property for storage and office space, which will be provided and constructed by the Corporation, at the Corporation's sole cost and expense, and which will be maintained, and utilities and other operating expenses paid for, by the United States at its sole cost and expense;

(E) the right to occupy up to 1200 gross square feet of offsite storage in a location other than the Naval Reserve Pier Property, which will be provided by the Corporation at the Corporation's sole cost and expense, and which will be maintained, and utilities and other operating expenses paid for, by the United States at its sole cost and expense; and

(F) the right for United States Coast Guard personnel to park up to 60 vehicles, at no expense to the government, in the Corporation's parking spaces on the Naval Reserve Pier property or in parking spaces that the Corporation may secure within 1,000 feet of the Naval Reserve Pier property or within 1,000 feet of the Coast Guard Marine Safety Office Portland. Spaces for no less than thirty vehicles shall be located on the Naval Reserve Pier property.

(3) The lease described in paragraph (1) may be renewed, at the sole option of the United States, for additional lease terms.

(4) The United States may not sublease the Leased Premises to a third party or use the Leased Premises for purposes other than fulfilling the missions of the United States Coast Guard and for other mission related activities.

(5) In the event that the United States Coast Guard ceases to use the Leased Premises, the Administrator, in consultation with the Commandant, may terminate the lease with the Corporation.

(c) IMPROVEMENT OF LEASED PREMISES.—

(1) The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States, subject to the Commandant's design specifications, project's schedule, and final project approval, to replace the bulkhead and pier which connects to, and provides access from, the bulkhead to the floating docks, at the Corporation's sole cost and expense, on the east side of the Naval Reserve Pier Property within 30 months from the date of conveyance. The agreement to improve the leased premises shall be executed within 12 months after the date of enactment of this Act.

(2) In addition to the improvements described in paragraph (1), the Commandant is authorized to further improve the Leased Premises during the lease term, at the United States' sole cost and expense.

(d) UTILITY INSTALLATION AND MAINTAINANCE OBLIGATIONS.—

(1) The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States to allow the Unites States to operate and maintain existing utility lines and related equipment, at the United States' sole cost and expense. At such time as the Corporation constructs its proposed public aquarium, the Corporation shall replace existing utility lines and related equipment and provide additional utility lines and equipment capable of supporting a third 110-foot Coast Guard cutter, with comparable, new, code compliant utility lines and equipment at the Corporation's sole cost and expense, maintain such utility lines and related equipment from an agreed upon demarcation point, and make such utility lines and equipment available for use by the United States, provided that the United States pays for its use of utilities at its sole cost and expense. The agreement concerning the operation and maintenance of utility lines and equipment shall be executed within 12 months after the date of enactment of this Act.

(2) The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States to maintain, at the Corporation's sole cost and expense, the bulkhead and pier on the east side of the Naval Reserve Pier property. The agreement concerning the maintenance of the bulkhead and pier shall be executed within 12 months after the date of enactment of this Act.

(3) The United States shall be required to maintain, at its sole cost and expense, any Coast Guard active aid to navigation located upon the Naval Reserve Pier Property.

(e) ADDITIONAL RIGHTS.—The conveyance of the Naval Reserve Pier property shall be made subject to conditions the Administrator or the Commandant consider necessary to ensure that—

(1) the Corporation shall not interfere or allow interference, in any manner, with use of the Leased Premises by the United States; and

(2) the Corporation shall not interfere or allow interference, in any manner, with any aid to navigation nor hinder activities required for the operation and maintenance of any aid to navigation, without the express written permission of the head of the agency responsible for operating and maintaining the aid to navigation.

(f) REMEDIES AND REVERSIONARY INTEREST.—The Naval Reserve Pier property, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if, and only if, the Corporation fails to abide by any of the terms of this section or any agreement entered into under subsection (b), (c), or (d) of this section.

(g) LIABILITY OF THE PARTIES.—The liability of the United States and the Corporation for any injury, death, or damage to or loss of property occurring on the leased property shall be determined with reference to existing State or Federal law, as appropriate, and

any such liability may not be modified or enlarged by this Act or any agreement of the parties.

(h) EXPIRATION OF AUTHORITY TO CONVEY.—The authority to convey the Naval Reserve Property under this section shall expire 3 years after the date of enactment of this Act.

(i) DEFINITIONS.—In this section:

(1) AID TO NAVIGATION.—The term ''aid to navigation'' means equipment used for navigational purposed, including but not limited to, a light, antenna, sound signal, electronic navigation equipment, cameras, sensors power source, or other related equipment which are operated or maintained by the United States.

(2) CORPORATION.—The term ''Corporation'' means the Gulf of Maine Aquarium Development Corporation, its successors and assigns.

SEC. 503. TRANSFER OF COAST GUARD STATION SCITUATE TO THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) AUTHORITY TO TRANSFER.

(1) IN GENERAL.—The Administrator of the General Services Administration (Administrator), in consultation with the Commandant, United States Coast Guard, may transfer, without consideration, administrative jurisdiction, custody and control over the Federal property, known as Coast Guard Station Scituate, to the National Oceanic and Atmospheric Administration (NOAA). Since the Federal agency actions necessary to effectuate the administrative transfer of the property will further the objectives of the National Environmental Policy Act of 1969, P. L. 91-190 (42 U.S.C. 4321 et seq.) and the National Historic Preservation Act of 1966, P. L. 89-665 (16 U.S.C. 470 et seq.), procedures applicable to agency actions under these laws are unnecessary and shall not be required. Similarly, the Federal agency actions necessary to effectuate the transfer of the property will not be subject to the Stewart B. McKinney Homeless Assistance Act, P. L. 100-77 (42 U.S.C. 11301 et seq.).

(2) IDENTIFICATION OF PROPERTY.—The Administrator, in consultation with the Commandant, may identify, describe, and determine the property to be transferred under this subsection.

(b) TERMS OF TRANSFER.—The transfer of the property shall be made subject to any conditions and reservations the Administrator and the Commandant consider necessary to ensure that

(1) the transfer of the property to NOAA is contingent upon the relocation of Coast Guard Station Scituate to a suitable site;

(2) there is reserved to the Coast Guard the right to remove, relocate, or replace any aid to navigation located upon, or install any aid to navigation upon, the property transferred under this section as may be necessary for navigational purposes; and

(3) the Coast Guard shall have the right to enter the property transferred under this section at any time, without notice, for purposes of operating, maintaining, and inspecting any aid to navigation. The transfer of the property shall be made subject to the review and acceptance of the property by NOAA.

(c) RELOCATION OF STATION SCITUATE.—The Coast Guard may lease land, including unimproved or vacant land, for a term not to exceed 20 years, for the purpose of relocating Coast Guard Station Scituate. The Coast Guard may improve the land leased under paragraph (1) of this subsection.

SEC. 504. HARBOR SAFETY COMMITTEES.

(a) STUDY.—The Coast Guard shall study existing harbor safety committees in the United States to identify—

(1) strategies for gaining successful cooperation among the various groups having an interest in the local port or waterway;

(2) organizational models that can be applied to new or existing harbor safety committees or to prototype harbor safety committees established under subsection (b);

(3) technological assistance that will help harbor safety committees overcome local impediments to safety, mobility, environmental protection, and port security; and

(4) recurring resources necessary to ensure the success of harbor safety committees.

(b) PROTOTYPE COMMITTEES.—The Coast Guard shall test the feasibility of expanding the harbor safety committee concept to small and medium-sized ports that are not generally served by a harbor safety committee by establishing 1 or more prototype harbor safety committees. In selecting a location or locations for the establishment of a prototype harbor safety committee, the Coast Guard shall—

(1) consider the results of the study conducted under subsection (a);

(2) consider identified safety issues for a particular port;

(3) compare the potential benefits of establishing such a committee with the burdens the establishment of such a committee would impose on participating agencies and organizations;

(4) consider the anticipated level of support from interested parties; and

(5) take into account such other factors as may be appropriate.

(c) EFFECT ON EXISTING PROGRAMS AND STATE LAW.—Nothing in this section—

(1) limits the scope or activities of harbor safety committees in existence on the date of enactment of this Act;

(2) precludes the establishment of new harbor safety committees in locations not selected for the establishment of a prototype committee under subsection (b); or

(3) preempts State law.

(d) NONAPPLICATION OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to harbor safety committees established under this section or any other provision of law.

(e) HARBOR SAFETY COMMITTEE DEFINED.—In this section, the term ''harbor safety committee'' means a local coordinating body—

(1) whose responsibilities include recommending actions to improve the safety of a port or waterway; and

(2) the membership of which includes representatives of government agencies, maritime labor and industry organizations, environmental groups, and public interest groups.

SEC. 505. EXTENSION OF INTERIM AUTHORITY FOR DRY BULK CARGO RESIDUE DISPOSAL.

Section 415(b)(2) of the Coast Guard Authorization Act of 1998 is amended by striking ''2002.'' and inserting ''2003.''.

SEC. 506. LIGHTHOUSE CONVEYANCE.

Nothwithstanding any other provision of law, the conveyance authorized by section 416(a)(1)(H) of Public Law 105-383 shall take place within 3 months after the date of enactment of this Act. Notwithstanding the previous sentence, the conveyance shall be subject to subsections (a)(2), (a)(3), (b), and (c) of section 416 of Public Law 105-383.

SEC. 507. FORMER COAST GUARD PROPERTY IN TRAVERSE CITY, MICHIGAN.

Notwithstanding any other provision of law, and subject to the availability of funds appropriated specifically for the project, the Coast Guard is authorized to transfer funds in an amount not to exceed $200,000 and project management authority to the Traverse City Area Public School District for the purposes of demolition and removal of the structure commonly known as ''Building 402'' at former Coast Guard property located in Traverse City, Michigan, and associated site work. No such funds shall be transferred until the Coast Guard receives a detailed, fixed price estimate from the School District describing the nature and cost of the work to be performed, and the Coast Guard shall transfer only that amount of funds it and the School District consider necessary to complete the project.

SEC. 508. CONVEYANCE OF COAST GUARD PROPERTY IN MIDDLETOWN, CALIFORNIA.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Administrator of General Services (in this section referred to as the ''Administrator'') shall promptly convey to Lake County, California (in this section referred to as the ''County''), without consideration, all right, title, and interest of the United States (subject to subsection (c)) in and to the property described in subsection (b).

(2) IDENTIFICATION OF PROPERTY.—The Administrator, in consultation with the Commandant of the Coast Guard, may identify, describe, and determine the property to be conveyed under this section.

(b) PROPERTY DESCRIBED.—

(1) IN GENERAL—The property referred to in subsection (a) is such portion of the Coast Guard Loran Station Middletown as has been reported to the General Services Administration to be excess property, consisting of approximately 733.43 acres, and is comprised of all or part of tracts A–101, A–102, A–104, A–105, A–106, A–107, A–108, and A–111.

(2) SURVEY.—The exact acreage and legal description of the property conveyed under subsection (a), and any easements or rights-of-way reserved by the United States under subsection (c)(1), shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the County.

(c) CONDITIONS.—

(1) IN GENERAL.—In making the conveyance under subsection (a), the Administrator shall—

(A) reserve for the United States such existing rights-of-way for access and such easements as are necessary for continued operation of the loran station;

(B) preserve other existing easements for public roads and highways, public utilities, irrigation ditches, railroads, and pipelines; and

(C) impose such other restrictions on use of the property conveyed as are necessary to protect the continued operation of the loran station.

(2) FIREBREAKS AND FENCE.—(A) The Administrator may not convey any property under this section unless the County and the Commandant of the Coast Guard enter into an agreement with the Administrator under which the County is required, in accordance with design specifications and maintenance standards established by the Commandant—

(i) to establish and construct within 6 months after the date of the conveyance, and thereafter to maintain, firebreaks on the property to be conveyed; and

(ii) construct within 6 months after the date of conveyance, and thereafter maintain, a fence approved by the Commandant along the property line between the property conveyed and adjoining Coast Guard property.

(B) The agreement shall require that—

(i) the County shall pay all costs of establishment, construction, and maintenance of firebreaks under subparagraph (A)(i); and

(ii) the Commandant shall provide all materials needed to construct a fence under subparagraph (A)(ii), and the County shall pay all other costs of construction and maintenance of the fence.

(3) COVENANTS APPURTENANT.—The Administrator shall take actions necessary to render the requirement to establish, construct, and maintain firebreaks and a fence

under paragraph (2) and other requirements and conditions under paragraph (1), under the deed conveying the property to the County, covenants that run with the land for the benefit of land retained by the United States.

(d) REVERSIONARY INTEREST.—The real property conveyed pursuant to this section, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if—

(1) the County sells, conveys, assigns, exchanges, or encumbers the property conveyed or any part thereof;

(2) the County fails to maintain the property conveyed in a manner consistent with the terms and conditions in subsection (c);

(3) the County conducts any commercial activities at the property conveyed, or any part thereof, without approval of the Secretary; or

(4) at least 30 days before the reversion, the Administrator provides written notice to the owner that the property or any part thereof is needed for national security purposes.

TITLE VI—JONES ACT WAIVERS

SEC. 601. CERTIFICATES OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and sections 12106 and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the following vessels:

(1) LOOKING GLASS, United States official number 925735.

(2) YANKEE, United States official number 1076210.

(3) LUCKY DOG, of St. Petersburg, Florida, State of Florida registration number FLZP7569E373.

(4) ENTERPRIZE, United States official number 1077571.

(5) M/V SANDPIPER, United States official number 1079439.

(6) FRITHA, United States official number 1085943.

(7) PUFFIN, United States official number 697029.

SEC. 602. CERTIFICATE OF DOCUMENTATION FOR THE EAGLE.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), chapter 121 of title 46, United States Code, and section 1 of the Act of May 28, 1906 (46 U.S.C. App. 292), the Secretary of Transportation shall issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel EAGLE, hull number BK—1754, United States official number 1091389 if the vessel is—

(1) owned by a State, a political subdivision of a State, or a public authority chartered by a State;

(2) if chartered, is chartered to a State, a political subdivision of a State, or a public authority chartered by a State;

(3) is operated only in conjunction with—

(A) scour jet operations; or

(B) dredging services adjacent to facilities owned by the State, political subdivision, or public authority; and

(4) is externally identified clearly as a vessel of that State, subdivision or authority.

TITLE VII—CERTAIN ALASKAN CRUISE SHIP OPERATIONS

SEC. 701. DISCHARGE OF UNTREATED SEWAGE.

A cruise vessel operating in the waters of the Alexander Archipelago shall not discharge any untreated sewage.

SEC. 702. DISCHARGE OF TREATED SEWAGE.

(a) LIMIT ON DISCHARGES OF TREATED SEWAGE.—A cruise vessel operating in the waters of the Alexander Archipelago shall not discharge any treated sewage unless the cruise vessel is underway and is proceeding at not less than 4 knots.

(b) SUPPLEMENTAL RULEMAKING ON TREATED SEWAGE DISCHARGE.—Additional regulations governing the discharge of treated sewage may be promulgated taking into consideration any studies conducted by any agency of the United States, and recommendations made by the Cruise Ship Waste Disposal and Management Executive Steering Committee convened by the Alaska Department of Environmental Conservation.

SEC. 703. DISCHARGES OF GRAYWATER.

(a) LIMIT ON DISCHARGES OF GRAYWATER.—A cruise vessel operating in the waters of the Alexander Archipelago shall not discharge any graywater unless—

(1) the cruise vessel is underway and is proceeding at not less than four knots; and

(2) the cruise vessel's graywater system is tested on a frequency prescribed by the Secretary to verify that discharges of graywater do not contain chemicals used in the operation of the vessel (including photographic chemicals or dry cleaning solvents) present in an amount that would constitute a hazardous waste under part 261 of title 40, Code of Federal Regulations, (or any successor regulation).

(b) SUPPLEMENTAL RULEMAKING ON GRAYWATER DISCHARGES.—Additional regulations governing the discharge of graywater may be promulgated after taking into consideration any studies conducted by any agency of the United States, and recommendations made by the Cruise Ship Waste Disposal and Management Executive Steering Committee convened by the Alaska Department of Environmental Conservation.

SEC. 704. INSPECTION REGIME.

(a) IN GENERAL.—The Secretary shall incorporate into the commercial vessel examination program an inspection regime sufficient to verify that cruise vessels operating in the waters of the Alexander Archipelago are in full compliance with this title and any regulations issued thereunder, the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), other applicable Federal laws and regulations, and all applicable international treaty requirements.

(b) MATTERS TO BE EXAMINED.—The inspection regime—

(1) shall include—

(A) examination of environmental compliance records and procedures; and

(B) inspection of the functionality and proper operation of installed equipment for pollution abatement and controls; and

(2) may include unannounced inspections of any aspect of cruise vessel operations or equipment pertinent to the verification under subsection (a) of this section.

SEC. 705. STUDIES.

Any agency of the United States undertaking a study of the environmental impact of cruise vessel discharges of sewage, treated sewage or graywater shall ensure that cruise vessel operators, other United States agencies with jurisdiction over cruise vessel operations, and affected coastal State governments are provided an opportunity to review and comment on such study prior to publication of the study, and shall ensure that such study, if used as a basis for a rulemaking governing the discharge or treatment of sewage, treated sewage or graywater by cruise vessels, is subjected to a scientific peer review process prior to the publication of the proposed rule.

SEC. 706. CRIMINAL PENALTIES.

A person who knowingly violates section 701, 702(a), or 703(a), or any regulation promulgated pursuant to section 702(b) or 703(b), commits a class D felony. In the discretion of the Court, an amount equal to not more than one-half of such fine may be paid to the person giving information leading to conviction.

SEC. 707. CIVIL PENALTIES.

(a) IN GENERAL.—A person who is found by the Secretary, after notice and an opportunity for a hearing, to have violated section 701, 702(a), or 703(a), or any regulation promulgated pursuant to section 702(b) or 703(b), shall be liable to the United States for a civil penalty, not to exceed $25,000 for each violation. Each day of a continuing violation shall constitute a separate violation. The amount of the civil penalty shall be assessed by the Secretary, or his designee, by written notice. In determining the amount of the penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters as justice may require. An amount equal to not more than one-half of such penalties may be paid by the Secretary to the person giving information leading to the assessment of such penalties.

(b) ABATEMENT OF CIVIL PENALTIES; COLLECTION BY ATTORNEY GENERAL.—The Secretary may compromise, modify or remit, with or without conditions, any civil penalty which is subject to assessment or which has been assessed under this section. If any person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General of the United States for collection in any appropriate district court of the United States.

SEC. 708. LIABILITY IN REM; DISTRICT COURT JURISDICTION.

A vessel operated in violation of this title is liable in rem for any fine imposed under section 706 or civil penalty assessed under section 707, and may be proceeded against in the United States district court of any district in which the vessel may be found.

SEC. 709. VESSEL CLEARANCE OR PERMITS; REFUSAL OR REVOCATION; BOND OR OTHER SURETY.

If any vessel subject to this title, its owner, operator, or person in charge is liable for a fine or civil penalty under this title, or if reasonable cause exists to believe that the vessel, its owner, operator, or person in charge may be subject to a fine or a civil penalty under this title, the Secretary of the Treasury, upon the request of the Secretary, shall refuse or revoke the clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91). Clearance may be granted upon the filing of a bond or other surety satisfactory to the Secretary.

SEC. 710. REGULATIONS.

The Secretary shall prescribe any regulations necessary to carry out the provisions of this title.

SEC. 711. DEFINITIONS.

In this title:

(1) Waters of the Alexander Archipelago.—The term ''waters of the Alexander Archipelago'' means all waters under the jurisdiction of the United States within Southeast Alaska and contained within an area defined by a line beginning at Cape Spencer Light and extending due south to Latitude 58°07'15'' North, Longitude 136°38'15'' West; thence along a line 3 nautical miles seaward of the territorial sea baseline to a point at the maritime border between the United States and Canada at Latitude 54°41'15'' North, Longitude 130°53'00'' West; thence following that border to Mount Fairweather; thence returning to Cape Spencer Light.

(2) Cruise vessel.—

(A) In general.—The term ''cruise vessel'' means a commercial passenger vessel of

greater than 10,000 gross tons, as measured under chapter 143 of title 46, United States Code, that does not regularly carry vehicles or other cargo.

(B) Exclusions.—The term ''cruise vessel'' does not include a vessel operated by the Federal Government or the government of a State.

(3) Graywater.—

(A) In general.—The term ''graywater'' means drainage from a dishwasher, shower, laundry, bath, washbasin, or drinking fountain.

(B) Exclusions.—The term ''graywater'' does not include drainage from a toilet, urinal, hospital, cargo or machinery space.

(4) Secretary.—The term ''Secretary'' means the Secretary of the department in which the Coast Guard is operating.

(5) Sewage.—The term ''sewage'' means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body waste.

(6) Treated sewage.—The term 'treated sewage' means sewage processed through a properly operating and approved marine sanitation device meeting applicable regulatory standards and requirements.

INTERCOUNTRY ADOPTION ACT OF 1999

HELMS (AND OTHERS) AMENDMENT NO. 4023

Mr. CAMPBELL (for Mr. HELMS (for himself, Ms. LANDRIEU, Mr. ASHCROFT, Mr. CRAIG, Mr. JOHNSON, Mr. SMITH of Oregon, and Mrs. LINCOLN)) proposed an amendment to the bill (H.R. 2909) to provide for implementation by the United States of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, and for other purposes; 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 ''Intercountry Adoption Act of 2000''.

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

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress recognizes—

(1) the international character of the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (done at The Hague on May 29, 1993), and

(2) the need for uniform interpretation and implementation of the Convention in the United States and abroad,

and therefore finds that enactment of a Federal law governing adoptions and prospective adoptions subject to the Convention involving United States residents is essential.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide for implementation by the United States of the Convention;

(2) to protect the rights of, and prevent abuses against, children, birth families, and adoptive parents involved in adoptions (or prospective adoptions) subject to the Convention, and to ensure that such adoptions are in the children's best interests; and

(3) to improve the ability of the Federal Government to assist United States citizens seeking to adopt children from abroad and residents of other countries party to the Convention seeking to adopt children from the United States.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) ACCREDITED AGENCY.—The term ''accredited agency'' means an agency accredited under title II to provide adoption services in the United States in cases subject to the Convention.

(2) ACCREDITING ENTITY.—The term ''accrediting entity'' means an entity designated under section 202(a) to accredit agencies and approve persons under title II.

(3) ADOPTION SERVICE.—The term ''adoption service'' means—

(A) identifying a child for adoption and arranging an adoption;

(B) securing necessary consent to termination of parental rights and to adoption;

(C) performing a background study on a child or a home study on a prospective adoptive parent, and reporting on such a study;

(D) making determinations of the best interests of a child and the appropriateness of adoptive placement for the child;

(E) post-placement monitoring of a case until final adoption; and

(F) where made necessary by disruption before final adoption, assuming custody and providing child care or any other social service pending an alternative placement.

The term ''providing'', with respect to an adoption service, includes facilitating the provision of the service.

(4) AGENCY.—The term ''agency'' means any person other than an individual.

(5) APPROVED PERSON.—The term ''approved person'' means a person approved under title II to provide adoption services in the United States in cases subject to the Convention.

(6) ATTORNEY GENERAL.—Except as used in section 404, the term ''Attorney General'' means the Attorney General, acting through the Commissioner of Immigration and Naturalization.

(7) CENTRAL AUTHORITY.—The term ''central authority'' means the entity designated as such by any Convention country under Article 6(1) of the Convention.

(8) CENTRAL AUTHORITY FUNCTION.—The term ''central authority function'' means any duty required to be carried out by a central authority under the Convention.

(9) CONVENTION.—The term ''Convention'' means the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at The Hague on May 29, 1993.

(10) CONVENTION ADOPTION.—The term ''Convention adoption'' means an adoption of a child resident in a foreign country party to the Convention by a United States citizen, or an adoption of a child resident in the United States by an individual residing in another Convention country.

(11) CONVENTION RECORD.—The term ''Convention record'' means any item, collection, or grouping of information contained in an electronic or physical document, an electronic collection of data, a photograph, an audio or video tape, or any other information storage medium of any type whatever that contains information about a specific past, current, or prospective Convention adoption (regardless of whether the adoption was made final) that has been preserved in accordance with section 401(a) by the Secretary of State or the Attorney General.

(12) CONVENTION COUNTRY.—The term ''Convention country'' means a country party to the Convention.

(13) OTHER CONVENTION COUNTRY.—The term ''other Convention country'' means a Convention country other than the United States.

(14) PERSON.—The term ''person'' shall have the meaning provided in section 1 of title 1, United States Code, and shall not include any agency of government or tribal government entity.

(15) PERSON WITH AN OWNERSHIP OR CONTROL INTEREST.—The term ''person with an ownership or control interest'' has the meaning given such term in section 1124(a)(3) of the Social Security Act (42 U.S.C. 1320a–3).

(16) SECRETARY.—The term ''Secretary'' means the Secretary of State.

(17) STATE.—The term ''State'' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands.

TITLE I—UNITED STATES CENTRAL AUTHORITY

SEC. 101. DESIGNATION OF CENTRAL AUTHORITY.

(a) IN GENERAL.—For purposes of the Convention and this Act—

(1) the Department of State shall serve as the central authority of the United States; and

(2) the Secretary shall serve as the head of the central authority of the United States.

(b) PERFORMANCE OF CENTRAL AUTHORITY FUNCTIONS.—

(1) Except as otherwise provided in this Act, the Secretary shall be responsible for the performance of all central authority functions for the United States under the Convention and this Act.

(2) All personnel of the Department of State performing core central authority functions in a professional capacity in the Office of Children's Issues shall have a strong

background in consular affairs, personal experience in international adoptions, or professional experience in international adoptions or child services.

(c) AUTHORITY TO ISSUE REGULATIONS.—Except as otherwise provided in this Act, the Secretary may prescribe such regulations as may be necessary to carry out central authority functions on behalf of the United States.

SEC. 102. RESPONSIBILITIES OF THE SECRETARY OF STATE.

(a) LIAISON RESPONSIBILITIES.—The Secretary shall have responsibility for—

(1) liaison with the central authorities of other Convention countries; and

(2) the coordination of activities under the Convention by persons subject to the jurisdiction of the United States.

(b) INFORMATION EXCHANGE.—The Secretary shall be responsible for—

(1) providing the central authorities of other Convention countries with information concerning—

(A) accredited agencies and approved persons, agencies and persons whose accreditation or approval has been suspended or canceled, and agencies and persons who have been temporarily or permanently debarred from accreditation or approval;

(B) Federal and State laws relevant to implementing the Convention; and

(C) any other matters necessary and appropriate for implementation of the Convention;

(2) not later than the date of the entry into force of the Convention for the United States (pursuant to Article 46(2)(a) of the Convention) and at least once during each subsequent calendar year, providing to the central authority of all other Convention countries a notice requesting the central authority of each such country to specify any requirements of such country regarding adoption, including restrictions on the eligibility of persons to adopt, with respect to which information on the prospective adoptive parent or parents in the United States would be relevant;

(3) making responses to notices under paragraph (2) available to—

(A) accredited agencies and approved persons; and

(B) other persons or entities performing home studies under section 201(b)(1);

(4) ensuring the provision of a background report (home study) on prospective adoptive parent or parents (pursuant to the requirements of section 203(b)(1)(A)(ii)), through the central authority of each child's country of origin, to the court having jurisdiction over the adoption (or, in the case of a child emigrating to the United States for the purpose of adoption, to the competent authority in the child's country of origin with responsibility for approving the child's emigration) in adequate time to be considered prior to the granting of such adoption or approval;

(5) providing Federal agencies, State courts, and accredited agencies and approved persons with an identification of Convention countries and persons authorized to perform functions under the Convention in each such country; and

(6) facilitating the transmittal of other appropriate information to, and among, central authorities, Federal and State agencies (including State courts), and accredited agencies and approved persons.

(c) ACCREDITATION AND APPROVAL RESPONSIBILITIES.—The Secretary shall carry out the functions prescribed by the Convention with respect to the accreditation of agencies and the approval of persons to provide adoption services in the United States in cases subject to the Convention as provided in title II. Such functions may not be delegated to any other Federal agency.

(d) ADDITIONAL RESPONSIBILITIES.—The Secretary—

(1) shall monitor individual Convention adoption cases involving United States citizens; and

(2) may facilitate interactions between such citizens and officials of other Convention countries on matters relating to the Convention in any case in which an accredited agency or approved person is unwilling or unable to provide such facilitation.

(e) ESTABLISHMENT OF REGISTRY.—The Secretary and the Attorney General shall jointly establish a case registry of all adoptions involving immigration of children into the United States and emigration of children from the United States, regardless of whether the adoption occurs under the Convention. Such registry shall permit tracking of pending cases and retrieval of information on both pending and closed cases.

(f) METHODS OF PERFORMING RESPONSIBILITIES.—The Secretary may—

(1) authorize public or private entities to perform appropriate central authority functions for which the Secretary is responsible, pursuant to regulations or under agreements published in the Federal Register; and

(2) carry out central authority functions through grants to, or contracts with, any individual or public or private entity, except as may be otherwise specifically provided in this Act.

SEC. 103. RESPONSIBILITIES OF THE ATTORNEY GENERAL.

In addition to such other responsibilities as are specifically conferred upon the Attorney General by this Act, the central authority functions specified in Article 14 of the Convention (relating to the filing of applications by prospective adoptive parents to the central authority of their country of residence) shall be performed by the Attorney General.

SEC. 104. ANNUAL REPORT ON INTERCOUNTRY ADOPTIONS.

(a) REPORTS REQUIRED.—Beginning one year after the date of the entry into force of the Convention for the United States and each year thereafter, the Secretary, in consultation with the Attorney General and other appropriate agencies, shall submit a report describing the activities of the central authority of the United States under this Act during the preceding year to the Committee on International Relations, the Committee on Ways and Means, and the Committee on the Judiciary of the House of Representatives and the Committee on Foreign Relations, the Committee on Finance, and the Committee on the Judiciary of the Senate.

(b) REPORT ELEMENTS.—Each report under subsection (a) shall set forth with respect to the year concerned, the following:

(1) The number of intercountry adoptions involving immigration to the United States, regardless of whether the adoption occurred under the Convention, including the country from which each child emigrated, the State to which each child immigrated, and the country in which the adoption was finalized.

(2) The number of intercountry adoptions involving emigration from the United States, regardless of whether the adoption occurred under the Convention, including the country to which each child immigrated and the State from which each child emigrated.

(3) The number of Convention placements for adoption in the United States that were disrupted, including the country from which the child emigrated, the age of the child, the date of the placement for adoption, the reasons for the disruption, the resolution of the disruption, the agencies that handled the placement for adoption, and the plans for the child, and in addition, any information regarding disruption or dissolution of adoptions of children from other countries received pursuant to section 422(b)(14) of the Social Security Act, as amended by section 205 of this Act.

(4) The average time required for completion of a Convention adoption, set forth by country from which the child emigrated.

(5) The current list of agencies accredited and persons approved under this Act to provide adoption services.

(6) The names of the agencies and persons temporarily or permanently debarred under this Act, and the reasons for the debarment.

(7) The range of adoption fees charged in connection with Convention adoptions involving immigration to the United States and the median of such fees set forth by the country of origin.

(8) The range of fees charged for accreditation of agencies and the approval of persons in the United States engaged in providing adoption services under the Convention.

TITLE II—PROVISIONS RELATING TO ACCREDITATION AND APPROVAL

SEC. 201. ACCREDITATION OR APPROVAL REQUIRED IN ORDER TO PROVIDE ADOPTION SERVICES IN CASES SUBJECT TO THE CONVENTION.

(a) IN GENERAL.—Except as otherwise provided in this title, no person may offer or provide adoption services in connection with a Convention adoption in the United States unless that person—

(1) is accredited or approved in accordance with this title; or

(2) is providing such services through or under the supervision and responsibility of an accredited agency or approved person.

(b) EXCEPTIONS.—Subsection (a) shall not apply to the following:

(1) BACKGROUND STUDIES AND HOME STUDIES.—The performance of a background study on a child or a home study on a prospective adoptive parent, or any report on any such study by a social work professional or organization who is not providing any other adoption service in the case, if the background or home study is approved by an accredited agency.

(2) CHILD WELFARE SERVICES.—The provision of a child welfare service by a person who is not providing any other adoption service in the case.

(3) LEGAL SERVICES.—The provision of legal services by a person who is not providing any adoption service in the case.

(4) PROSPECTIVE ADOPTIVE PARENTS ACTING ON OWN BEHALF.—The conduct of a prospective adoptive parent on his or her own behalf in the case, to the extent not prohibited by the law of the State in which the prospective adoptive parent resides.

SEC. 202. PROCESS FOR ACCREDITATION AND APPROVAL; ROLE OF ACCREDITING ENTITIES.

(a) DESIGNATION OF ACCREDITING ENTITIES.—

(1) IN GENERAL.—The Secretary shall enter into agreements with one or more qualified entities under which such entities will perform the duties described in subsection (b) in accordance with the Convention, this title, and the regulations prescribed under section 203, and upon entering into each such agreement shall designate the qualified entity as an accrediting entity.

(2) QUALIFIED ENTITIES.—In paragraph (1), the term ''qualified entity'' means—

(A) a nonprofit private entity that has expertise in developing and administering standards for entities providing child welfare services and that meets such other criteria as the Secretary may by regulation establish; or

(B) a public entity (other than a Federal entity), including an agency or instrumentality of State government having responsibility for licensing adoption agencies, that—

(i) has expertise in developing and administering standards for entities providing child welfare services;

(ii) accredits only agencies located in the State in which the public entity is located; and

(iii) meets such other criteria as the Secretary may by regulation establish.

(b) DUTIES OF ACCREDITING ENTITIES.—The duties described in this subsection are the following:

(1) ACCREDITATION AND APPROVAL.—Accreditation of agencies, and approval of persons, to provide adoption services in the United States in cases subject to the Convention.

(2) OVERSIGHT.—Ongoing monitoring of the compliance of accredited agencies and approved persons with applicable requirements, including review of complaints against such agencies and persons in accordance with procedures established by the accrediting entity and approved by the Secretary.

(3) ENFORCEMENT.—Taking of adverse actions (including requiring corrective action, imposing sanctions, and refusing to renew, suspending, or canceling accreditation or approval) for noncompliance with applicable requirements, and notifying the agency or person against whom adverse actions are taken of the deficiencies necessitating the adverse action.

(4) DATA, RECORDS, AND REPORTS.—Collection of data, maintenance of records, and reporting to the Secretary, the United States central authority, State courts, and other entities (including on persons and agencies granted or denied approval or accreditation), to the extent and in the manner that the Secretary requires.

(c) REMEDIES FOR ADVERSE ACTION BY ACCREDITING ENTITY.—

(1) CORRECTION OF DEFICIENCY.—An agency or person who is the subject of an adverse action by an accrediting entity may re-apply for accreditation or approval (or petition for termination of the adverse action) on demonstrating to the satisfaction of the accrediting entity that the deficiencies necessitating the adverse action have been corrected.

(2) NO OTHER ADMINISTRATIVE REVIEW.—An adverse action by an accrediting entity shall not be subject to administrative review.

(3) JUDICIAL REVIEW.—An agency or person who is the subject of an adverse action by an accrediting entity may petition the United States district court in the judicial district in which the agency is located or the person resides to set aside the adverse action. The court shall review the adverse action in accordance with section 706 of title 5, United States Code, and for purposes of such review the accrediting entity shall be considered an agency within the meaning of section 701 of such title.

(d) FEES.—The amount of fees assessed by accrediting entities for the costs of accreditation shall be subject to approval by the Secretary. Such fees may not exceed the costs of accreditation. In reviewing the level of such fees, the Secretary shall consider the relative size of, the geographic location of, and the number of Convention adoption cases managed by the agencies or persons subject to accreditation or approval by the accrediting entity.

SEC. 203. STANDARDS AND PROCEDURES FOR PROVIDING ACCREDITATION OR APPROVAL.

(a) IN GENERAL.—

(1) PROMULGATION OF REGULATIONS.—The Secretary, shall, by regulation, prescribe the standards and procedures to be used by accrediting entities for the accreditation of agencies and the approval of persons to provide adoption services in the United States in cases subject to the Convention.

(2) CONSIDERATION OF VIEWS.—In developing such regulations, the Secretary shall consider any standards or procedures developed or proposed by, and the views of, individuals and entities with interest and expertise in international adoptions and family social services, including public and private entities with experience in licensing and accrediting adoption agencies.

(3) APPLICABILITY OF NOTICE AND COMMENT RULES.—Subsections (b), (c), and (d) of section 553 of title 5, United States Code, shall apply in the development and issuance of regulations under this section.

(b) MINIMUM REQUIREMENTS.—

(1) ACCREDITATION.—The standards prescribed under subsection (a) shall include the requirement that accreditation of an agency may not be provided or continued under this title unless the agency meets the following requirements:

(A) SPECIFIC REQUIREMENTS.—

(i) The agency provides prospective adoptive parents of a child in a prospective Convention adoption a copy of the medical records of the child (which, to the fullest extent practicable, shall include an English-language translation of such records) on a date which is not later than the earlier of the date that is 2 weeks before (I) the adoption, or (II) the date on which the prospective parents travel to a foreign country to complete all procedures in such country relating to the adoption.

(ii) The agency ensures that a thorough background report (home study) on the prospective adoptive parent or parents has been completed in accordance with the Convention and with applicable Federal and State requirements and transmitted to the Attorney General with respect to each Convention adoption. Each such report shall include a criminal background check and a full and complete statement of all facts relevant to the eligibility of the prospective adopting parent or parents to adopt a child under any requirements specified by the central authority of the child's country of origin under section 102(b)(3), including, in the case of a child emigrating to the United States for the purpose of adoption, the requirements of the child's country of origin applicable to adoptions taking place in such country. For purposes of this clause, the term ''background report (home study)'' includes any supplemental statement submitted by the agency to the Attorney General for the purpose of providing information relevant to any requirements specified by the child's country of origin.

(iii) The agency provides prospective adoptive parents with a training program that includes counseling and guidance for the purpose of promoting a successful intercountry adoption before such parents travel to adopt the child or the child is placed with such parents for adoption.

(iv) The agency employs personnel providing intercountry adoption services on a fee for service basis rather than on a contingent fee basis.

(v) The agency discloses fully its policies and practices, the disruption rates of its placements for intercountry adoption, and all fees charged by such agency for intercountry adoption.

(B) CAPACITY TO PROVIDE ADOPTION SERVICES.—The agency has, directly or through arrangements with other persons, a sufficient number of appropriately trained and qualified personnel, sufficient financial resources, appropriate organizational structure, and appropriate procedures to enable the agency to provide, in accordance with this Act, all adoption services in cases subject to the Convention.

(C) USE OF SOCIAL SERVICE PROFESSIONALS.—The agency has established procedures designed to ensure that social service functions requiring the application of clinical skills and judgment are performed only by professionals with appropriate qualifications and credentials.

(D) RECORDS, REPORTS, AND INFORMATION MATTERS.—The agency is capable of—

(i) maintaining such records and making such reports as may be required by the Secretary, the United States central authority, and the accrediting entity that accredits the agency;

(ii) cooperating with reviews, inspections, and audits;

(iii) safeguarding sensitive individual information; and

(iv) complying with other requirements concerning information management necessary to ensure compliance with the Convention, this Act, and any other applicable law.

(E) LIABILITY INSURANCE.—The agency agrees to have in force adequate liability insurance for professional negligence and any other insurance that the Secretary considers appropriate.

(F) COMPLIANCE WITH APPLICABLE RULES.—The agency has established adequate measures to comply (and to ensure compliance of their agents and clients) with the Convention, this Act, and any other applicable law.

(G) NONPROFIT ORGANIZATION WITH STATE LICENSE TO PROVIDE ADOPTION SERVICES.—The agency is a private nonprofit organization licensed to provide adoption services in at least one State.

(2) APPROVAL.—The standards prescribed under subsection (a) shall include the requirement that a person shall not be approved under this title unless the person is a private for-profit entity that meets the requirements of subparagraphs (A) through (F) of paragraph (1) of this subsection.

(3) RENEWAL OF ACCREDITATION OR APPROVAL.—The standards prescribed under subsection (a) shall provide that the accreditation of an agency or approval of a person under this title shall be for a period of not less than 3 years and not more than 5 years, and may be renewed on a showing that the agency or person meets the requirements applicable to original accreditation or approval under this title.

(c) TEMPORARY REGISTRATION OF COMMUNITY BASED AGENCIES.—

(1) ONE-YEAR REGISTRATION PERIOD FOR MEDIUM COMMUNITY BASED AGENCIES.—For a 1-year period after the entry into force of the Convention and notwithstanding subsection (b), the Secretary may provide, in regulations issued pursuant to subsection (a), that an agency may register with the Secretary and be accredited to provide adoption services in the United States in cases subject to the Convention during such period if the agency has provided adoption services in fewer than 100 intercountry adoptions in the preceding calendar year and meets the criteria described in paragraph (3).

(2) TWO-YEAR REGISTRATION PERIOD FOR SMALL COMMUNITY-BASED AGENCIES.—For a 2-year period after the entry into force of the Convention and notwithstanding subsection (b), the Secretary may provide, in regulations issued pursuant to subsection (a), that an agency may register with the Secretary and be accredited to provide adoption services in the United States in cases subject to the Convention during such period if the agency has provided adoption services in fewer than 50 intercountry adoptions in the preceding calendar year and meets the criteria described in paragraph (3).

(3) CRITERIA FOR REGISTRATION.—Agencies registered under this subsection shall meet the following criteria:

(A) The agency is licensed in the State in which it is located and is a nonprofit agency.

(B) The agency has been providing adoption services in connection with intercountry adoptions for at least 3 years.

(C) The agency has demonstrated that it will be able to provide the United States Government with all information related to the elements described in section 104(b) and provides such information.

(D) The agency has initiated the process of becoming accredited under the provisions of this Act and is actively taking steps to become an accredited agency.

(E) The agency has not been found to be involved in any improper conduct relating to intercountry adoptions.

SEC. 204. SECRETARIAL OVERSIGHT OF ACCREDITATION AND APPROVAL.

(a) OVERSIGHT OF ACCREDITING ENTITIES.—The Secretary shall—

(1) monitor the performance by each accrediting entity of its duties under section 202 and its compliance with the requirements of the Convention, this Act, other applicable laws, and implementing regulations under this Act; and

(2) suspend or cancel the designation of an accrediting entity found to be substantially out of compliance with the Convention, this Act, other applicable laws, or implementing regulations under this Act.

(b) SUSPENSION OR CANCELLATION OF ACCREDITATION OR APPROVAL.—

(1) SECRETARY'S AUTHORITY.—The Secretary shall suspend or cancel the accreditation or approval granted by an accrediting entity to an agency or person pursuant to section 202 when the Secretary finds that—

(A) the agency or person is substantially out of compliance with applicable requirements; and

(B) the accrediting entity has failed or refused, after consultation with the Secretary, to take appropriate enforcement action.

(2) CORRECTION OF DEFICIENCY.—At any time when the Secretary is satisfied that the deficiencies on the basis of which an adverse action is taken under paragraph (1) have been corrected, the Secretary shall—

(A) notify the accrediting entity that the deficiencies have been corrected; and

(B)(i) in the case of a suspension, terminate the suspension; or

(ii) in the case of a cancellation, notify the agency or person that the agency or person may re-apply to the accrediting entity for accreditation or approval.

(c) DEBARMENT.—

(1) SECRETARY'S AUTHORITY.—On the initiative of the Secretary, or on request of an accrediting entity, the Secretary may temporarily or permanently debar an agency from accreditation or a person from approval under this title, but only if—

(A) there is substantial evidence that the agency or person is out of compliance with applicable requirements; and

(B) there has been a pattern of serious, willful, or grossly negligent failures to comply or other aggravating circumstances indicating that continued accreditation or approval would not be in the best interests of the children and families concerned.

(2) PERIOD OF DEBARMENT.—The Secretary's debarment order shall state whether the debarment is temporary or permanent. If the debarment is temporary, the Secretary shall specify a date, not earlier than 3 years after the date of the order, on or after which the agency or person may apply to the Secretary for withdrawal of the debarment.

(3) EFFECT OF DEBARMENT.—An accrediting entity may take into account the circumstances of the debarment of an agency or person that has been debarred pursuant to this subsection in considering any subsequent application of the agency or person, or of any other entity in which the agency or person has an ownership or control interest, for accreditation or approval under this title.

(d) JUDICIAL REVIEW.—A person (other than a prospective adoptive parent), an agency, or an accrediting entity who is the subject of a final action of suspension, cancellation, or debarment by the Secretary under this title may petition the United States District Court for the District of Columbia or the United States district court in the judicial district in which the person resides or the agency or accrediting entity is located to set aside the action. The court shall review the action in accordance with section 706 of title 5, United States Code.

(e) FAILURE TO ENSURE A FULL AND COMPLETE HOME STUDY.—

(1) IN GENERAL.—Willful, grossly negligent, or repeated failure to ensure the completion and transmission of a background report (home study) that fully complies with the requirements of section 203(b)(1)(A)(ii) shall constitute substantial noncompliance with applicable requirements.

(2) REGULATIONS.—Regulations promulgated under section 203 shall provide for—

(A) frequent and careful monitoring of compliance by agencies and approved persons with the requirements of section 203(b)(A)(ii); and

(B) consultation between the Secretary and the accrediting entity where an agency or person has engaged in substantial noncompliance with the requirements of section 203(b)(A)(ii), unless the accrediting entity has taken appropriate corrective action and the noncompliance has not recurred.

(3) REPEATED FAILURES TO COMPLY.—Repeated serious, willful, or grossly negligent failures to comply with the requirements of section 203(b)(1)(A)(ii) by an agency or person after consultation between Secretary and the accrediting entity with respect to previous noncompliance by such agency or person shall constitute a pattern of serious, willful, or grossly negligent failures to comply under subsection (c)(1)(B).

(4) FAILURE TO COMPLY WITH CERTAIN REQUIREMENTS.—A failure to comply with the requirements of section 203(b)(1)(A)(ii) shall constitute a serious failure to comply under subsection (c)(1)(B) unless it is shown by clear and convincing evidence that such noncompliance had neither the purpose nor the effect of determining the outcome of a decision or proceeding by a court or other competent authority in the United States or the child's country of origin.

SEC. 205. STATE PLAN REQUIREMENT.

Section 422(b) of the Social Security Act (42 U.S.C. 622(b)) is amended—

(1) in paragraph (11), by striking ''and'' at the end;

(2) in paragraph (12), by striking ''children.'' and inserting ''children;''; and

(3) by adding at the end the following new paragraphs:

''(13) contain a description of the activities that the State has undertaken for children adopted from other countries, including the provision of adoption and post-adoption services; and

''(14) provide that the State shall collect and report information on children who are adopted from other countries and who enter into State custody as a result of the disruption of a placement for adoption or the dissolution of an adoption, including the number of children, the agencies who handled the placement or adoption, the plans for the child, and the reasons for the disruption or dissolution.''.

TITLE III—RECOGNITION OF CONVENTION ADOPTIONS IN THE UNITED STATES

SEC. 301. ADOPTIONS OF CHILDREN IMMIGRATING TO THE UNITED STATES.

(a) LEGAL EFFECT OF CERTIFICATES ISSUED BY THE SECRETARY OF STATE.—

(1) ISSUANCE OF CERTIFICATES BY THE SECRETARY OF STATE.—The Secretary of State shall, with respect to each Convention adoption, issue a certificate to the adoptive citizen parent domiciled in the United States that the adoption has been granted or, in the case of a prospective adoptive citizen parent, that legal custody of the child has been granted to the citizen parent for purposes of emigration and adoption, pursuant to the Convention and this Act, if the Secretary of State—

(A) receives appropriate notification from the central authority of such child's country of origin; and

(B) has verified that the requirements of the Convention and this Act have been met with respect to the adoption.

(2) LEGAL EFFECT OF CERTIFICATES.—If appended to an original adoption decree, the certificate described in paragraph (1) shall be treated by Federal and State agencies, courts, and other public and private persons and entities as conclusive evidence of the facts certified therein and shall constitute the certification required by section 204(d)(2) of the Immigration and Nationality Act, as amended by this Act.

(b) LEGAL EFFECT OF CONVENTION ADOPTION FINALIZED IN ANOTHER CONVENTION COUNTRY.—A final adoption in another Convention country, certified by the Secretary of State pursuant to subsection (a) of this section or section 303(c), shall be recognized as a final valid adoption for purposes of all Federal, State, and local laws of the United States.

(c) CONDITION ON FINALIZATION OF CONVENTION ADOPTION BY STATE COURT.—In the case of a child who has entered the United States from another Convention country for the purpose of adoption, an order declaring the adoption final shall not be entered unless the Secretary of State has issued the certificate provided for in subsection (a) with respect to the adoption.

SEC. 302. IMMIGRATION AND NATIONALITY ACT AMENDMENTS RELATING TO CHILDREN ADOPTED FROM CONVENTION COUNTRIES.

(a) DEFINITION OF CHILD.—Section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) is amended—

(1) by striking ''or'' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting ''; or''; and

(3) by adding after subparagraph (F) the following new subparagraph:

''(G) a child, under the age of sixteen at the time a petition is filed on the child's behalf to accord a classification as an immediate relative under section 201(b), who has been adopted in a foreign state that is a party to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption done at The Hague on May 29, 1993, or who is emigrating from such a foreign state to be adopted in the United States, by a United States citizen and spouse jointly, or by an unmarried United States citizen at least twenty-five years of age—

''(i) if—

''(I) the Attorney General is satisfied that proper care will be furnished the child if admitted to the United States;

''(II) the child's natural parents (or parent, in the case of a child who has one sole or surviving parent because of the death or disappearance of, abandonment or desertion by, the other parent), or other persons or institutions that retain legal custody of the

child, have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child's emigration and adoption;

''(III) in the case of a child having two living natural parents, the natural parents are incapable of providing proper care for the child;

''(IV) the Attorney General is satisfied that the purpose of the adoption is to form a bona fide parent-child relationship, and the parent-child relationship of the child and the biological parents has been terminated; and

''(V) in the case of a child who has not been adopted—

''(aa) the competent authority of the foreign state has approved the child's emigration to the United States for the purpose of adoption by the prospective adoptive parent or parents; and

''(bb) the prospective adoptive parent or parents has or have complied with any preadoption requirements of the child's proposed residence; and

''(ii) except that no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.''.

(b) APPROVAL OF PETITIONS.—Section 204(d) of the Immigration and Nationality Act (8 U.S.C. 1154(d)) is amended—

(1) by striking ''(d)'' and inserting ''(d)(1)'';

(2) by striking ''section 101(b)(1)(F)'' and inserting ''subparagraph (F) or (G) of section 101(b)(1)''; and

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

''(2) Notwithstanding the provisions of subsections (a) and (b), no petition may be approved on behalf of a child defined in section 101(b)(1)(G) unless the Secretary of State has certified that the central authority of the child's country of origin has notified the United States central authority under the convention referred to in such section 101(b)(1)(G) that a United States citizen habitually resident in the United States has effected final adoption of the child, or has been granted custody of the child for the purpose of emigration and adoption, in accordance with such convention and the Intercountry Adoption Act of 2000.''.

(c) DEFINITION OF PARENT.—Section 101(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(2)) is amended by inserting ''and paragraph (1)(G)(i)'' after ''second proviso therein)''.

SEC. 303. ADOPTIONS OF CHILDREN EMIGRATING FROM THE UNITED STATES.

(a) DUTIES OF ACCREDITED AGENCY OR APPROVED PERSON.—In the case of a Convention adoption involving the emigration of a child residing in the United States to a foreign country, the accredited agency or approved person providing adoption services, or the prospective adoptive parent or parents acting on their own behalf (if permitted by the laws of such other Convention country in which they reside and the laws of the State in which the child resides), shall do the following:

(1) Ensure that, in accordance with the Convention—

(A) a background study on the child is completed;

(B) the accredited agency or approved person—

(i) has made reasonable efforts to actively recruit and make a diligent search for prospective adoptive parents to adopt the child in the United States; and

(ii) despite such efforts, has not been able to place the child for adoption in the United States in a timely manner; and

(C) a determination is made that placement with the prospective adoptive parent or parents is in the best interests of the child.

(2) Furnish to the State court with jurisdiction over the case—

(A) documentation of the matters described in paragraph (1);

(B) a background report (home study) on the prospective adoptive parent or parents (including a criminal background check) prepared in accordance with the laws of the receiving country; and

(C) a declaration by the central authority (or other competent authority) of such other Convention country—

(i) that the child will be permitted to enter and reside permanently, or on the same basis as the adopting parent, in the receiving country; and

(ii) that the central authority (or other competent authority) of such other Convention country consents to the adoption, if such consent is necessary under the laws of such country for the adoption to become final.

(3) Furnish to the United States central authority—

(A) official copies of State court orders certifying the final adoption or grant of custody for the purpose of adoption;

(B) the information and documents described in paragraph (2), to the extent required by the United States central authority; and

(C) any other information concerning the case required by the United States central authority to perform the functions specified in subsection (c) or otherwise to carry out the duties of the United States central authority under the Convention.

(b) CONDITIONS ON STATE COURT ORDERS.—An order declaring an adoption to be final or granting custody for the purpose of adoption in a case described in subsection (a) shall not be entered unless the court—

(1) has received and verified to the extent the court may find necessary—

(A) the material described in subsection (a)(2); and

(B) satisfactory evidence that the requirements of Articles 4 and 15 through 21 of the Convention have been met; and

(2) has determined that the adoptive placement is in the best interests of the child.

(c) DUTIES OF THE SECRETARY OF STATE.—In a case described in subsection (a), the Secretary, on receipt and verification as necessary of the material and information described in subsection (a)(3), shall issue, as applicable, an official certification that the child has been adopted or a declaration that custody for purposes of adoption has been granted, in accordance with the Convention and this Act.

(d) FILING WITH REGISTRY REGARDING NON-CONVENTION ADOPTIONS.—Accredited agencies, approved persons, and other persons, including governmental authorities, providing adoption services in an intercountry adoption not subject to the Convention that involves the emigration of a child from the United States shall file information required by regulations jointly issued by the Attorney General and the Secretary of State for purposes of implementing section 102(e).

TITLE IV—ADMINISTRATION AND ENFORCEMENT

SEC. 401. ACCESS TO CONVENTION RECORDS.

(a) PRESERVATION OF CONVENTION RECORDS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Attorney General, shall issue regulations that establish procedures and requirements in accordance with the Convention and this section for the preservation of Convention records.

(2) APPLICABILITY OF NOTICE AND COMMENT RULES.—Subsections (b), (c), and (d) of section 553 of title 5, United States Code, shall apply in the development and issuance of regulations under this section.

(b) ACCESS TO CONVENTION RECORDS.—

(1) PROHIBITION.—Except as provided in paragraph (2), the Secretary or the Attorney General may disclose a Convention record, and access to such a record may be provided in whole or in part, only if such record is maintained under the authority of the Immigration and Nationality Act and disclosure of, or access to, such record is permitted or required by applicable Federal law.

(2) EXCEPTION FOR ADMINISTRATION OF THE CONVENTION.—A Convention record may be disclosed, and access to such a record may be provided, in whole or in part, among the Secretary, the Attorney General, central authorities, accredited agencies, and approved persons, only to the extent necessary to administer the Convention or this Act.

(3) PENALTIES FOR UNLAWFUL DISCLOSURE.—Unlawful disclosure of all or part of a Convention record shall be punishable in accordance with applicable Federal law.

(c) ACCESS TO NON-CONVENTION RECORDS.—Disclosure of, access to, and penalties for unlawful disclosure of, adoption records that are not Convention records, including records of adoption proceedings conducted in the United States, shall be governed by applicable State law.

SEC. 402. DOCUMENTS OF OTHER CONVENTION COUNTRIES.

Documents originating in any other Convention country and related to a Convention adoption case shall require no authentication in order to be admissible in any Federal, State, or local court in the United States, unless a specific and supported claim is made that the documents are false, have been altered, or are otherwise unreliable.

SEC. 403. AUTHORIZATION OF APPROPRIATIONS; COLLECTION OF FEES.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to agencies of the Federal Government implementing the Convention and the provisions of this Act.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(b) ASSESSMENT OF FEES.—

(1) The Secretary may charge a fee for new or enhanced services that will be undertaken by the Department of State to meet the requirements of this Act with respect to intercountry adoptions under the Convention and comparable services with respect to other intercountry adoptions. Such fee shall be prescribed by regulation and shall not exceed the cost of such services.

(2) Fees collected under paragraph (1) shall be retained and deposited as an offsetting collection to any Department of State appropriation to recover the costs of providing such services.

(3) Fees authorized under this section shall be available for obligation only to the extent and in the amount provided in advance in appropriations Acts.

(c) RESTRICTION.—No funds collected under the authority of this section may be made available to an accrediting entity to carry out the purposes of this Act.

SEC. 404. ENFORCEMENT.

(a) CIVIL PENALTIES.—Any person who—

(1) violates section 201;

(2) makes a false or fraudulent statement, or misrepresentation, with respect to a material fact, or offers, gives, solicits, or accepts inducement by way of compensation, intended to influence or affect in the United States or a foreign country—

(A) a decision by an accrediting entity with respect to the accreditation of an agency or approval of a person under title II;

(B) the relinquishment of parental rights or the giving of parental consent relating to the adoption of a child in a case subject to the Convention; or

(C) a decision or action of any entity performing a central authority function; or

(3) engages another person as an agent, whether in the United States or in a foreign country, who in the course of that agency takes any of the actions described in paragraph (1) or (2),

shall be subject, in addition to any other penalty that may be prescribed by law, to a civil money penalty of not more than $50,000 for a first violation, and not more than $100,000 for each succeeding violation.

(b) CIVIL ENFORCEMENT.—

(1) AUTHORITY OF ATTORNEY GENERAL.—The Attorney General may bring a civil action to enforce subsection (a) against any person in any United States district court.

(2) FACTORS TO BE CONSIDERED IN IMPOSING PENALTIES.—In imposing penalties the court shall consider the gravity of the violation, the degree of culpability of the defendant, and any history of prior violations by the defendant.

(c) CRIMINAL PENALTIES.—Whoever knowingly and willfully violates paragraph (1) or (2) of subsection (a) shall be subject to a fine of not more than $250,000, imprisonment for not more than 5 years, or both.

TITLE V—GENERAL PROVISIONS

SEC. 501. RECOGNITION OF CONVENTION ADOPTIONS.

Subject to Article 24 of the Convention, adoptions concluded between two other Convention countries that meet the requirements of Article 23 of the Convention and that became final before the date of entry into force of the Convention for the United States shall be recognized thereafter in the United States and given full effect. Such recognition shall include the specific effects described in Article 26 of the Convention.

SEC. 502. SPECIAL RULES FOR CERTAIN CASES.

(a) AUTHORITY TO ESTABLISH ALTERNATIVE PROCEDURES FOR ADOPTION OF CHILDREN BY RELATIVES.—To the extent consistent with the Convention, the Secretary may establish by regulation alternative procedures for the adoption of children by individuals related to them by blood, marriage, or adoption, in cases subject to the Convention.

(b) WAIVER AUTHORITY.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, to the extent consistent with the Convention, the Secretary may, on a case-by-case basis, waive applicable requirements of this Act or regulations issued under this Act, in the interests of justice or to prevent grave physical harm to the child.

(2) NONDELEGATION.—The authority provided by paragraph (1) may not be delegated.

SEC. 503. RELATIONSHIP TO OTHER LAWS.

(a) PREEMPTION OF INCONSISTENT STATE LAW.—The Convention and this Act shall not be construed to preempt any provision of the law of any State or political subdivision thereof, or prevent a State or political subdivision thereof from enacting any provision of law with respect to the subject matter of the Convention or this Act, except to the extent that such provision of State law is inconsistent with the Convention or this Act, and then only to the extent of the inconsistency.

(b) APPLICABILITY OF THE INDIAN CHILD WELFARE ACT.—The Convention and this Act shall not be construed to affect the application of the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).

(c) RELATIONSHIP TO OTHER LAWS.—Sections 3506(c), 3507, and 3512 of title 44, United States Code, shall not apply to information collection for purposes of sections 104, 202(b)(4), and 303(d) of this Act or for use as a Convention record as defined in this Act.

SEC. 504. NO PRIVATE RIGHT OF ACTION.

The Convention and this Act shall not be construed to create a private right of action to seek administrative or judicial relief, except to the extent expressly provided in this Act.

SEC. 505. EFFECTIVE DATES; TRANSITION RULE.

(a) EFFECTIVE DATES.—

(1) PROVISIONS EFFECTIVE UPON ENACTMENT.—Sections 2, 3, 101 through 103, 202 through 205, 401(a), 403, 503, and 505(a) shall take effect on the date of the enactment of this Act.

(2) PROVISIONS EFFECTIVE UPON THE ENTRY INTO FORCE OF THE CONVENTION.—Subject to subsection (b), the provisions of this Act not specified in paragraph (1) shall take effect upon the entry into force of the Convention for the United States pursuant to Article 46(2)(a) of the Convention.

(b) TRANSITION RULE.—The Convention and this Act shall not apply—

(1) in the case of a child immigrating to the United States, if the application for advance processing of an orphan petition or petition to classify an orphan as an immediate relative for the child is filed before the effective date described in subsection (a)(2); or

(2) in the case of a child emigrating from the United States, if the prospective adoptive parents of the child initiated the adoption process in their country of residence with the filing of an appropriate application before the effective date described in subsection (a)(2).

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

BINGAMAN AMENDMENTS NOS. 4024–4025

(Ordered to lie on the table.)

Mr. BINGAMAN submitted two amendments intended to be proposed by him to the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes; as follows:

AMENDMENT NO. 4024

On page 47, line 18, before the period, insert the following: '': Provided, that in conducting the Southwest Valley Flood Damage Reduction Study, Albuquerque, New Mexico, the Secretary of the Army, acting through the Chief of Engineers, shall include an evaluation of flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies regarding the frequency of flooding, the drainage areas, and the amount of runoff''.

AMENDMENT NO. 4025

On page 67, line 19, after ''expended.'' insert the following:

''*Provided*, That $5,000,000 shall be available to implement a program managed by the Carlsbad Area Office to alleviate the problems caused by rapid economic development along the United States-Mexico border, to support the Materials Corridor Partnership Initiative, and to promote energy efficient, environmentally sound economic development along that border through the development and use of new technology, particularly hazardous waste and materials technology.''.

FEDERAL REFORMULATED FUELS ACT OF 2000

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 4026

(Ordered referred to the Committee on Environment and Public Works.)

Mr. SMITH of New Hampshire submitted the following amendment intended to be proposed by him to the bill (S. 2962) to amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. COMPETITIVE ALTERNATIVE FUEL PROGRAM.

(a) IN GENERAL.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating subsection (o) as subsection (p); and

(2) by inserting after subsection (n) the following:

''(o) COMPETITIVE ALTERNATIVE FUEL PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) BIN 1 VEHICLE.—The term 'bin 1 vehicle' means—

''(i) a light-duty motor vehicle that does not exceed the standards for bin no. 1 specified in table S04–1 of section 86.1811–04 of title 40, Code of Federal Regulations (published at 65 Fed. Reg. 6855 on February 10, 2000); and

''(ii) a heavy-duty motor vehicle that does not exceed standards equivalent to the standards described in clause (i), as determined by the Administrator by regulation.

''(B) BIN 2 VEHICLE.—The term 'bin 2 vehicle' means—

''(i) a light-duty motor vehicle that does not exceed the standards for bin no. 2 specified in table S04–1 of section 86.1811–04 of title 40, Code of Federal Regulations (published at 65 Fed. Reg. 6855 on February 10, 2000); and

''(ii) a heavy-duty motor vehicle that emits not more than 50 percent of the allowable emissions of air pollutants under the most stringent standards applicable to heavy-duty motor vehicles, as determined by the Administrator by regulation.

''(C) BIOMASS ETHANOL.—The term 'biomass ethanol' means ethanol derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, including—

''(i) dedicated energy crops and trees;

''(ii) wood and wood residues;

''(iii) plants;

''(iv) grasses;

''(v) agricultural commodities and residues;

''(vi) fibers;

''(vii) animal wastes and other waste materials; and

''(viii) municipal solid waste.

''(D) CLEAN ALTERNATIVE FUEL.—The term 'clean alternative fuel' means—

''(i) renewable fuel;

''(ii) credit for motor vehicle fuel used to operate a bin 1 vehicle, as generated under paragraph (5)(A)(ii); and

''(iii) credit for motor vehicle fuel used to operate a bin 2 vehicle, as generated under paragraph (5)(A)(ii).

''(E) RENEWABLE FUEL.—

''(i) IN GENERAL.—The term 'renewable fuel' means motor vehicle fuel that—

''(I)(aa) is produced from grain, starch, oilseeds, or other biomass; or

''(bb) is natural gas produced from a biogas source, including a landfill, sewage waste

treatment plant, feedlot, or other place where decaying organic material is found; and

''(II) is used to replace or reduce the quantity of fossil fuel present in a fuel mixture used to operate a motor vehicle.

''(ii) INCLUSION.—The term 'renewable fuel' includes biomass ethanol.

''(2) COMPETITIVE ALTERNATIVE FUEL PROGRAM.—

''(A) CLEAN ALTERNATIVE FUEL REQUIREMENTS.—The motor vehicle fuel sold or introduced into commerce in the United States in calendar year 2008 or any calendar year thereafter by a refiner, blender, or importer shall, on a 6-month average basis, be comprised of a quantity of clean alternative fuel, measured in gasoline-equivalent gallons (as determined by the Secretary of Energy), that is not less than the applicable percentage by volume for the 6-month period.

''(B) APPLICABLE PERCENTAGE.—For the purposes of subparagraph (A), the applicable percentage for a 6-month period of a calendar year shall be determined in accordance with the following table:

''Calendar year:	Applicable percentage of clean alternative fuel:
2008	1.2
2009	1.3
2010	1.4
2011 and thereafter	1.5.

''(3) TRANSITION PROGRAM.—

''(A) RENEWABLE FUEL REQUIREMENTS.—

''(i) IN GENERAL.—Subject to subparagraph (B), all motor vehicle fuel sold or introduced into commerce in the United States in any of calendar years 2002 through 2007 by a refiner, blender, or importer shall contain, on a 6-month average basis, a quantity of renewable fuel, measured in gasoline-equivalent gallons (as determined by the Secretary of Energy), that is not less than the applicable percentage by volume for the 6-month period.

''(ii) APPLICABLE PERCENTAGE.—For the purposes of clause (i), the applicable percentage for a 6-month period of a calendar year shall be determined in accordance with the following table:

''Calendar year:	Applicable percentage of renewable fuel:
2002	0.6
2003	0.7
2004	0.8
2005	0.9
2006	1.0
2007	1.1.

''(B) CREDIT FOR MOTOR VEHICLE FUEL USED TO OPERATE BIN 1 VEHICLES OR BIN 2 VEHICLES.—Credit for motor vehicle fuel used to operate bin 1 vehicles or bin 2 vehicles, as generated under paragraph (5)(A)(ii), may be used to meet not more than 10 percent of the renewable fuel requirement under subparagraph (A).

''(4) BIOMASS ETHANOL.—For the purposes of paragraphs (2) and (3), 1 gallon of biomass ethanol shall be considered to be the equivalent of 1.5 gallons of renewable fuel.

''(5) CREDIT PROGRAM.—

''(A) IN GENERAL.—The regulations promulgated to carry out this subsection shall provide for the generation of an appropriate amount of credits by—

''(i) a person that refines, blends, or imports motor vehicle fuel that contains, on a 6-month average basis, a quantity of clean alternative fuel or renewable fuel that is greater than the quantity required for that 6-month period under paragraph (2) or (3), respectively; and

''(ii) a person that manufactures bin 1 vehicles or bin 2 vehicles.

''(B) CALCULATION OF CREDITS.—In determining the appropriate amount of credits generated by a vehicle manufacturer under subparagraph (A)(ii), the Administrator, in consultation with the Secretary of Energy, shall give priority to the extent to which bin 1 vehicles or bin 2 vehicles, as compared to vehicles that are not bin 1 vehicles or bin 2 vehicles but are similar in size, weight, and other appropriate factors—

''(i) use innovative or advanced technology;

''(ii) result in less petroleum consumption; and

''(iii) are efficient in their use of petroleum or other form of energy.

''(C) USE OF CREDITS.—

''(i) IN GENERAL.—A person that generates credits under subparagraph (A) may use the credits, or transfer all or a portion of the credits to another person, for the purpose of complying with paragraph (2) or (3).

''(ii) USE OF VEHICLE MANUFACTURER CREDITS TO PROVIDE NON-FEDERAL CONTRIBUTIONS UNDER OTHER LAW.—Credits generated under subparagraph (A)(ii) and transferred to a person, nonprofit entity, or local government may be used to provide any portion of—

''(I) the non-Federal share required for an alternative fuel project under section 149(e)(4) of title 23, United States Code; or

''(II) a voluntary supply commitment under section 505 of the Energy Policy Act of 1992 (42 U.S.C. 13255).

''(D) EXPIRATION OF CREDITS.—A credit generated under this paragraph shall expire 1 year after the date on which the credit was generated.

''(6) WAIVERS.—

''(A) IN GENERAL.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, may waive the requirements of paragraph (2) or (3) in whole or in part on petition by a State—

''(i) based on a determination by the Administrator, after public notice and opportunity for comment, that implementation of the requirements would severely harm the economy or environment of a State, a region, or the United States; or

''(ii) based on a determination by the Administrator, after public notice and opportunity for comment, that there is an inadequate domestic supply or distribution capacity to meet the requirements.

''(B) PETITIONS FOR WAIVERS.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy—

''(i) shall approve or deny a State petition for a waiver of the requirements of paragraph (2) or (3) within 180 days after the date on which the petition is received; but

''(ii) may extend that period for up to 60 additional days to provide for public notice and opportunity for comment and for consideration of the comments submitted.

''(C) TERMINATION OF WAIVERS.—A waiver granted under subparagraph (A) shall terminate after 1 year, but may be renewed by the Administrator after consultation with the Secretary of Agriculture and the Secretary of Energy.

''(D) OXYGEN CONTENT WAIVERS.—The grant or denial of a waiver under subsection (k)(2)(B) shall not affect the requirements of this subsection.

''(7) SMALL REFINERS.—The Administrator may provide an exemption from the requirements of paragraph (2) or (3), in whole or in part, for small refiners (as defined by the Administrator).

''(8) REGULATIONS.—Not later than 1 year after the date of enactment of this paragraph, the Administrator shall promulgate regulations to carry out this subsection.''.

(b) PENALTIES AND ENFORCEMENT.—Section 211(d) of the Clean Air Act (42 U.S.C. 7545(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking ''or (n)'' each place it appears and inserting ''(n), or (o)''; and

(B) in the second sentence, by striking ''or (m)'' and inserting ''(m), or (o)''; and

(2) in the first sentence of paragraph (2), by striking ''and (n)'' each place it appears and inserting ''(n), and (o)''.

TRAFFICKING VICTIMS PROTECTION ACT OF 2000

BROWNBACK (AND WELLSTONE) AMENDMENT NO. 4027)

Mr. HATCH (for Mr. BROWNBACK (for himself, and Mr. WELLSTONE)) proposed an amendment to the bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking; 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 ''Trafficking Victims Protection Act of 2000''.

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

SEC. 2. PURPOSES AND FINDINGS.

(a) PURPOSES.—The purposes of this Act are to combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims.

(b) FINDINGS.—Congress finds that:

(1) As we begin the 21st century, the degrading institution of slavery continues throughout the world. Sex trafficking is a modern day form of slavery and it is the largest manifestation of slavery today. Millions of people every year, primarily women and children, are trafficked within or across international borders. Approximately 50,000 women and children are trafficked into the United States each year.

(2) Many of these persons are trafficked into the international sex trade, often by force, fraud, or coercion. The sex industry has rapidly expanded over the past several decades. It involves sexual exploitation of persons, predominantly women and girls, involving activities related to prostitution, pornography, sex tourism, and other commercial sexual services. The low status of women in many parts of the world has contributed to a burgeoning of the trafficking industry.

(3) Trafficking in persons is not limited to the sex industry. This growing transnational crime also includes forced labor, and involves significant violations of minimal labor, public health, and human rights standards worldwide.

(4) Traffickers primarily target women and girls, who are disproportionately affected by poverty, lack of access to education, chronic unemployment, discrimination, and lack of viable economic opportunities in countries of origin. Traffickers lure women and girls into their networks through false promises of decent working conditions at relatively good pay as nannies, maids, dancers, factory workers, restaurant workers, sales clerks, or models. Traffickers also buy children from poor families and sell them into prostitution or into various types of forced or bonded labor.

(5) Traffickers often transport victims from their home communities to unfamiliar destinations, including different countries away from family and friends, religious institutions, and other sources of protection and support, leaving the victims defenseless and vulnerable.

(6) Victims are often forced through physical violence to engage in sex acts or perform slavery-like labor. Such force includes rape and other forms of sexual abuse, torture, starvation, imprisonment, threats, psychological abuse, and coercion.

(7) Traffickers often make representations to their victims that physical harm may occur to them or others should they escape or attempt to escape. Such threats can have the same coercive effects on victims as actual infliction of harm.

(8) Trafficking in persons is increasingly perpetrated by organized, sophisticated criminal enterprises. Such trafficking is the fastest growing source of profits for organized criminal enterprises worldwide. Profits from the trafficking industry contribute to the expansion of organized crime in the United States and worldwide. Trafficking often is aided by official corruption in countries of origin, transit, and destination, thereby threatening the rule of law.

(9) Trafficking includes all the elements of the crime of forcible rape, when it involves the involuntary participation of another person in sex acts by means of fraud, force, or coercion.

(10) Trafficking also involves violations of other laws, including labor and immigration codes and laws against kidnapping, slavery, false imprisonment, assault, battery, pandering, fraud, and extortion.

(11) Trafficking exposes victims to serious health risk. Women and children trafficked into the sex industry are exposed to deadly diseases, including HIV and AIDS. Trafficking victims are sometimes worked or physically brutalized to death.

(12) Trafficking in persons involving slavery-like labor practices substantially affects interstate and foreign commerce. The United States must take action to eradicate the substantial burdens on commerce that result from trafficking in persons and to prevent the channels of commerce from being used for immoral and injurious purposes.

(13) Trafficking of persons is an evil requiring concerted and vigorous action by countries of origin, transit or destination, and by international organizations.

(14) Existing legislation and law enforcement in the United States and other countries are inadequate to deter trafficking and bring traffickers to justice, failing to reflect the gravity of the offenses involved. No comprehensive law exists in the United States that penalizes the range of offenses involved in the trafficking scheme. Instead, even the most brutal instances of trafficking into the sex industry are often punished under laws that also apply to lesser offenses such as consensual sexual activity and illegal immigration, so that traffickers typically escape deserved punishment.

(15) In the United States, the seriousness of this crime and its components are not reflected in current sentencing guidelines, resulting in weak penalties for convicted traffickers. Additionally, adequate services and facilities do not exist to meet the needs of health care, housing, education, and legal assistance, which safely reintegrate trafficking victims into their home countries.

(16) In some countries, enforcement against traffickers is also hindered by official indifference, by corruption, and sometimes even by official participation in trafficking.

(17) Existing laws often fail to protect victims of trafficking, and because victims are often illegal immigrants in the destination country, they are repeatedly punished more harshly than the traffickers themselves.

(18) Victims of severe forms of trafficking should not be inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts as a direct result of being trafficked, such as for having used false documents, entering the country without documentation, or working without documentation.

(19) Victims of trafficking often find it difficult or impossible to report the crimes committed against them or to assist in the investigation and prosecution of such crimes. This is because they are frequently unfamiliar with the laws, culture, and language of the countries into which they are trafficked. Also, they are often subjected to coercion, intimidation, physical detention, debt bondage, and fear of forcible removal to countries where they face hardship.

(20) The United States and the international community agree that trafficking in persons involves grave violations of human rights and is a matter of pressing international concern. The international community has repeatedly condemned slavery and involuntary servitude, violence against women, and other elements of trafficking, through declarations, treaties, United Nations resolutions and reports, including the Universal Declaration of Human Rights; the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the 1957 Abolition of Forced Labor Convention; the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination Against Women; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; United Nations General Assembly Resolutions 50/167, 51/66, and 52/98; the Final Report of the World Congress against Sexual Exploitation of Children (Stockholm, 1996); the Fourth World Conference on Women (Beijing, 1995); and the 1991 Moscow Document of the Organization for Security and Cooperation in Europe.

(21) Trafficking in persons is a transnational crime with national implications. To deter international trafficking and bring its perpetrators to justice, nations including the United States must recognize that trafficking is a serious offense. This is done by prescribing appropriate punishment, giving priority to the prosecution of trafficking offenses, and protecting rather than punishing the victims of such offenses. The United States must work bilaterally and multilaterally to abolish the trafficking industry by taking steps to promote cooperation among countries linked together by international trafficking routes. The United States must also urge the international community to take strong action in multilateral fora to engage recalcitrant countries in serious and sustained efforts to eliminate trafficking and protect trafficking victims.

(22) Trafficking in persons substantially affects interstate and foreign commerce. Trafficking for such purposes as involuntary servitude, peonage, and other forms of forced labor has an impact on the nationwide employment network and labor market. Within the context of slavery, servitude, and labor or services which are obtained or maintained through coercive conduct that amounts to a condition of servitude, victims are subjected to a range of violations.

(23) Involuntary servitude statutes are intended to reach cases in which persons are held in a condition of servitude through nonviolent coercion. In United States v. Kozminski, 487 U.S. 950 (1988), the Supreme Court found that section 1584 of title 18, United States Code, should be narrowly interpreted, absent a definition of involuntary servitude by Congress. As a result, that section was interpreted to only criminalize servitude coerced through force, threats of force, or threats of legal coercion.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on International Relations and the Committee on the Judiciary of the House of Representatives.

(2) COERCION.—The term ''coercion'' means—

(A) acts or circumstances not necessarily including physical force but intended to have the same effect; or

(B) any act, scheme, plan, or pattern intended to cause a person to believe that failure to perform an act will result in the infliction of serious harm.

(3) COMMERCIAL SEX ACT.—The term ''commercial sex act'' means any sex act whereby anything of value is given to or received by any person.

(4) DEBT BONDAGE.—The term ''debt bondage'' means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

(5) INVOLUNTARY SERVITUDE.—The term ''involuntary servitude'' includes a condition of servitude induced by means of—

(A) any act, scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint, or

(B) the abuse or threatened abuse of the legal process.

(6) MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.—The term ''minimum standards for the elimination of trafficking'' means the standards set forth in section 8.

(7) SEVERE FORMS OF TRAFFICKING IN PERSONS.—The term ''severe forms of trafficking in persons'' means—

(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force,

fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(8) SEX TRAFFICKING.—The term ''sex trafficking'' means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

(9) STATE.—The term ''State'' means any of the fifty States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and territories and possessions of the United States.

(10) UNITED STATES.—The term ''United States'' means the fifty States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

(11) VICTIM OF TRAFFICKING.—The term ''victim of trafficking'' means a person subjected to an act or practice described in paragraph (7) or (8).

(12) VICTIM OF A SEVERE FORM OF TRAFFICKING.—The term ''victim of a severe form of trafficking'' means a person subject to an act or practice described in paragraph (7).

SEC. 4. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.

The Secretary of State, with the assistance of the Assistant Secretary of Democracy, Human Rights and Labor, shall, as part of the annual Country Reports on Human Rights Practices, include information on the status of trafficking in persons, including the following information:

(1) A description of the nature and extent of severe forms of trafficking in persons in each country.

(2) An assessment of the efforts by the governments described in paragraph (1) to combat severe forms of trafficking. Such an assessment shall address—

(A) whether any governmental authorities tolerate or are involved in such trafficking;

(B) which governmental authorities are involved in activities to combat such trafficking;

(C) what steps the government has taken against its officials who participate in, facilitate, or condone such trafficking;

(D) what steps the government has taken to investigate and prosecute officials who participate in or facilitate such trafficking;

(E) what steps the government has taken to prohibit other individuals from participating in such trafficking, including the investigation, prosecution, and conviction of individuals involved in severe forms of trafficking in persons, the criminal and civil penalties for such trafficking, and the efficacy of those penalties in eliminating or reducing such trafficking;

(F) what steps the government has taken to assist victims of such trafficking, including efforts to prevent victims from being further victimized by traffickers, government officials, or others, grants of stays of deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter;

(G) whether the government—

(i) is cooperating with governments of other countries to extradite traffickers when requested;

(ii) is assisting in international investigations of transnational trafficking networks and in other cooperative efforts to combat trafficking;

(iii) refrains from prosecuting victims of severe forms of trafficking and from other discriminatory treatment of such victims due to such victims having been trafficked, or due to their having left or entered the country illegally; and

(iv) recognizes the rights of victims and ensures their access to justice.

(3) Information described in paragraph (2) and, where appropriate, in paragraph (3) shall be included in the annual Country Reports on Human Rights Practices on a country-by-country basis.

(4) In addition to the information described in this section, the Annual Country Reports on Human Rights Practices may contain such other information relating to trafficking in persons as the Secretary determines to be appropriate.

SEC. 5. INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.

(a) ESTABLISHMENT.—The President shall establish an Interagency Task Force to Monitor and Combat Trafficking (in this Act referred to as the ''Task Force'').

(b) APPOINTMENT.—The President shall appoint the members of the Task Force, which shall include the Secretary of State, the Administrator of the United States Agency for International Development, the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, the Director of Central Intelligence, and such other officials as may be designated by the President.

(c) CHAIRMAN.—The Task Force shall be chaired by the Secretary of State.

(d) SUPPORT FOR THE TASK FORCE.—The Secretary of State is authorized to establish within the Department of State an Office to Monitor and Combat Trafficking, which shall provide assistance to the Task Force. Any such Office shall be headed by a Director. The Director shall have the primary responsibility for assisting the Secretary of State in carrying out the purposes of this Act and may have additional responsibilities as determined by the Secretary. The Director shall consult with domestic, international nongovernmental organizations, and multilateral organizations, including the Organization of American States, the Organization for Security and Cooperation in Europe, and the United Nations, and with trafficking victims or other affected persons. The Director shall have the authority to take evidence in public hearings or by other means. The Office is authorized to retain staff members from agencies represented on the Task Force.

(e) ACTIVITIES OF THE TASK FORCE.—In consultation with nongovernmental organizations, the Task Force shall carry out the following activities:

(1) Coordinate the implementation of this Act.

(2) Measure and evaluate progress of the United States and other countries in the areas of trafficking prevention, protection and assistance to victims of trafficking, and prosecution and enforcement against traffickers, including the role of public corruption in facilitating trafficking. Beginning in 2002, not later than June 1 of each year, identify and publish the names of those countries which do not meet the minimum standards set forth in section 8.

(3) Expand interagency procedures to collect and organize data, including significant research and resource information on domestic and international trafficking. Any data collection procedures established under this subsection shall respect the confidentiality of victims of trafficking.

(4) Engage in efforts to facilitate cooperation among countries of origin, transit, and destination. Such efforts shall aim to strengthen local and regional capacities to prevent trafficking, prosecute traffickers and assist trafficking victims, and shall include initiatives to enhance cooperative efforts between destination countries and countries of origin and assist in the appropriate reintegration of stateless victims of trafficking.

(5) Examine the role of the international ''sex tourism'' industry in the trafficking of persons and in the sexual exploitation of women and children around the world.

(6) Engage in advocacy, with governmental and nongovernmental organizations, among other entities, to advance the purposes of this Act.

(f) INTERIM REPORTS.—In addition to the list provided under subsection (e)(2), the Secretary of State, in the capacity as chair of the Interagency Task Force, may submit to the appropriate congressional committees one or more interim reports with respect to the status of severe forms of trafficking in persons, including information about countries whose governments have come into or out of compliance with the minimum standards for the elimination of trafficking since the transmission of the last annual report.

SEC. 6. PREVENTION OF TRAFFICKING.

(a) ECONOMIC ALTERNATIVES TO PREVENT AND DETER TRAFFICKING.—The President, acting through the Administrator of the United States Agency for International Development and the heads of other appropriate agencies, shall establish and carry out international initiatives to enhance economic opportunity for potential victims of trafficking as a method to deter trafficking. Such initiatives may include—

(1) microcredit lending programs, training in business development, skills training, and job counseling;

(2) programs to promote women's participation in economic decisionmaking;

(3) programs to keep children, especially girls, in elementary and secondary schools, and to educate children, women, and men who have been victims of trafficking;

(4) development of educational curricula regarding the dangers of trafficking; and

(5) grants to nongovernmental organizations to accelerate and advance the political, economic, social, and educational roles and capacities of women in their countries.

(b) PUBLIC AWARENESS AND INFORMATION.—The President, acting through the Secretary of Labor, the Secretary of Health and Human Services, the Attorney General, and the Secretary of State, shall establish and carry out programs to increase public awareness, particularly among potential victims of trafficking, of the dangers of trafficking and the protections that are available for victims of trafficking.

(c) CONSULTATION REQUIREMENT.—The President shall consult with appropriate nongovernmental organizations with respect to the establishment and conduct of initiatives described in subsections (a) and (b).

SEC. 7. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING.

(a) ASSISTANCE FOR VICTIMS IN OTHER COUNTRIES.—

(1) IN GENERAL.—The Secretary of State and the Administrator of the United States Agency for International Development, in consultation with appropriate nongovernmental organizations, shall establish and carry out programs and initiatives in foreign countries to assist in the safe integration, reintegration, or resettlement, as appropriate, of victims of trafficking. Such programs and initiatives shall be designed to meet the appropriate assistance needs of such persons and their children, as identified by the Inter-Agency Task Force to Monitor and Combat Trafficking established under section 5.

(2) ADDITIONAL REQUIREMENT.—In establishing and conducting programs and initiatives described in paragraph (1), the Secretary of State and the Administrator of the

United States Agency for International Development shall take all appropriate steps to enhance cooperative efforts among foreign countries, including countries of origin of victims of trafficking, to assist in the integration, reintegration, or resettlement, as appropriate, of victims of trafficking including stateless victims.

(b) VICTIMS IN THE UNITED STATES.—

(1) ASSISTANCE.—Subject to the availability of appropriations and notwithstanding title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the Attorney General, the Secretary of Health and Human Services, the Secretary of Labor, the heads of other Federal agencies, and the Board of Directors of the Legal Services Corporation shall expand existing services to provide assistance to victims of severe forms of trafficking in persons within the United States, without regard to the immigration status of such victims.

(2) GRANTS.—

(A) Subject to the availability of appropriations, the Attorney General may make grants to States, territories, and possessions of the United States, Indian tribes, units of local government, and nonprofit, nongovernmental victims' service organizations to develop, expand, or strengthen victim service programs for victims of trafficking.

(B) Of amounts made available for grants under this paragraph, there shall be set aside 3 percent for research, evaluation and statistics; 2 percent for training and technical assistance; and 1 percent for management and administration.

(C) The Federal share of a grant made under this paragraph may not exceed 75 percent of the total costs of the projects described in the application submitted.

(c) TRAFFICKING VICTIM REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Attorney General and the Secretary of State shall promulgate regulations for law enforcement personnel, immigration officials, and Department of State officials to implement the following:

(1) Victims of severe forms of trafficking, while in the custody of the Federal Government and to the extent practicable, shall—

(A) not be detained in facilities inappropriate to their status as crime victims;

(B) receive necessary medical care and other assistance; and

(C) be provided protection if a victim's safety is at risk or if there is danger of additional harm by recapture of the victim by a trafficker, including—

(i) taking measures to protect trafficked persons and their family members from intimidation and threats of reprisals and reprisals from traffickers and their associates; and

(ii) ensuring that the names and identifying information of trafficked persons and their family members are not disclosed to the public.

(2) Victims of severe forms of trafficking shall have access to information about their rights and translation services.

(3) Federal law enforcement officials may act to permit an alien individual's continued presence in the United States, if after an assessment, it is determined that such individual is a victim of trafficking and a potential witness, in order to effectuate prosecution of those responsible, and such officials in investigating and prosecuting traffickers shall protect the safety of trafficking victims, including taking measures to protect trafficked persons and their family members from intimidation, threats of reprisals and reprisals from traffickers and their associates.

(4) Appropriate personnel of the Department of State and the Department of Justice are trained in identifying victims of severe forms of trafficking and providing for the protection of such victims.

(d) CONSTRUCTION.—Nothing in subsection (c) shall be construed as creating any private cause of action against the United States or its officers or employees.

(e) PROTECTION FROM REMOVAL FOR CERTAIN CRIME VICTIMS.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) by striking ''or'' at the end of subparagraph (R);

(2) by striking the period at the end of subparagraph (S) and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(T)(i) subject to subsection (m), an alien who the Attorney General determines—

''(I) is or has been a victim of a severe form of trafficking in persons as defined in section 3 of the Trafficking Victims Protection Act of 2000,

''(II) is physically present in the United States, American Samoa, or the Commonwealth of the Northern Mariana Islands, or at a port of entry thereto on account of such trafficking,

''(III)(aa) has complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking, or

''(bb) has not attained the age of 14 years, and

''(IV) the alien would suffer extreme hardship upon removal from the United States,

except that no person shall be eligible for admission to the United States under this subparagraph if there is substantial reason to believe that the person has committed an act of a severe form of trafficking in persons, as defined in section 3 of the Trafficking Victims Protection Act of 2000; and

''(ii) if the Attorney General considers it necessary to avoid extreme hardship—

''(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, and parents of such alien; and

''(II) in the case of an alien described in clause (i) who is 21 years of age or older, the minor children of such alien,

if accompanying, or following to join, the alien described in clause (i).

(2) DUTIES OF THE ATTORNEY GENERAL WITH RESPECT TO ''T'' VISA NONIMMIGRANTS.—Section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) is amended by adding at the end the following new subsection:

''(i) With respect to nonimmigrant aliens described in subsection (a)(15)(T)(i)—

''(1) the Attorney General and other government officials, where appropriate, shall provide those aliens with referrals to nongovernmental organizations that would advise the aliens regarding their options while in the United States and the resources available to them; and

''(2) the Attorney General shall, during the period those aliens are in lawful temporary resident status under that subsection, grant the aliens authorization to engage in employment in the United States and provide the aliens with an 'employment authorized' endorsement or other appropriate work permit.''.

(3) WAIVER OF GROUNDS FOR INELIGIBILITY FOR ADMISSION.—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended by adding at the end the following new paragraph:

''(13) The Attorney General shall determine whether a ground for inadmissibility exists with respect to a nonimmigrant described in section 101(a)(15)(T)(i). The Attorney General, in the Attorney General's discretion, may waive the application of subsection (a) (other than paragraph (3)(E)) in the case of a nonimmigrant described in section 101(a)(15)(T)(i), if the Attorney General considers it to be in the national interest to do so. Nothing in this section shall be regarded as prohibiting the Attorney General from instituting removal proceedings against an alien admitted as a nonimmigrant under section 101(a)(15)(T)(i) for material nontrafficking related conduct committed after the alien's admission into the United States, or for material nontrafficking related conduct or a condition that was not disclosed to the Attorney General prior to the alien's admission as a nonimmigrant under section 101(a)(15)(T)(i).''.

(f) ADJUSTMENT TO PERMANENT RESIDENT STATUS.—Section 245 of such Act (8 U.S.C 1255) is amended by adding at the end the following new subsection:

''(l)(1) If, in the opinion of the Attorney General, a nonimmigrant admitted into the United States under section 101(a)(15)(T)(i)—

''(A) has been physically present in the United States for a continuous period of at least 3 years since the date of admission as a nonimmigrant under section 101(a)(15)(T)(i),

''(B) has, throughout such period, been a person of good moral character, and

''(C)(i) has, during such period, complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking, or

''(ii) the alien would suffer extreme hardship upon removal from the United States,

the Attorney General may adjust the status of the alien (and any other alien admitted under that section) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E).

''(2) An alien shall be considered to have failed to maintain continuous physical presence in the United States under paragraph (1)(A) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

''(3) Upon the approval of adjustment of status under paragraph (1), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval.''.

SEC. 8. MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.

(a) MINIMUM STANDARDS.—For purposes of this Act, the minimum standards for the elimination of trafficking for a country that is a country of origin, transit, or destination for a significant number of victims are the following standards:

(1) The country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.

(2) For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the country should prescribe punishment commensurate with that for the most serious crimes, such as forcible sexual assault.

(3) For the knowing commission of any act of a severe form of trafficking in persons, the country should prescribe punishment which is sufficiently stringent to deter and which adequately reflects the heinous nature of the offense.

(4) The country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.

(b) CRITERIA.—In determinations of whether a country is making serious and sustained efforts under subsection (a)(4), the following factors should be considered as indicia of a good faith effort to eliminate severe forms of trafficking in persons:

(1) Whether the country vigorously investigates and prosecutes acts of severe forms of trafficking in persons that take place wholly or partly within the territory of the country.

(2) Whether the country cooperates with other countries in the investigation and prosecution of severe forms of trafficking in persons.

(3) Whether the country extradites persons charged with acts of severe forms of trafficking in persons on the same terms and to the same extent as persons charged with other serious crimes.

(4) Whether the country monitors immigration and emigration patterns for evidence of severe forms of trafficking in persons and whether law enforcement agencies of the country respond to any such evidence in a manner which is consistent with the vigorous investigation and prosecution of acts of such trafficking, as well as with the protection of human rights of victims and the internationally recognized human right to leave and return to one's own country.

(5) Whether the country protects victims of severe forms of trafficking in persons and encourages their assistance in the investigation and prosecution of such trafficking, including provision for legal alternatives to their removal to countries in which they would face retribution or other hardship.

(6) Whether the country vigorously investigates and prosecutes public officials who participate in or facilitate severe forms of trafficking in persons, and takes all appropriate measures against officials who condone such trafficking.

SEC. 9. ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS.

The Secretary of State and the Administrator of the United States Agency for International Development are authorized to provide assistance to foreign countries directly, or through nongovernmental, intergovernmental and multilateral organizations, for programs and activities designed to meet the minimum international standards for the elimination of trafficking, including drafting of legislation to prohibit and punish acts of trafficking, the investigation and prosecution of traffickers, the creation and maintenance of facilities, programs, and activities for the protection of victims, and the expansion of exchange programs and international visitor programs for governmental and nongovernmental personnel to combat trafficking.

SEC. 10. ACTIONS AGAINST GOVERNMENTS FAILING TO MEET MINIMUM STANDARDS.

(a) AUTHORITY TO IMPOSE SANCTIONS.—The President may impose any of the measures described in subsection (b) against any foreign country to which the minimum standards for the elimination of trafficking under section 8 are applicable and which do not meet such standards. The President shall exercise the authority of this subsection so as to avoid adverse effects on vulnerable populations, including women and children.

(b) SANCTIONS THAT MAY BE IMPOSED.—The measures described in this subsection are the following:

(1) FOREIGN ASSISTANCE.—

(A) IN GENERAL.—Subject to subparagraph (B), the President may deny to the country assistance of any kind which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government. The President may exercise the authority of this subparagraph with respect to all foreign assistance to a country or with respect to any specific programs, projects, or activities.

(B) EXCEPTION.—Subparagraph (A) shall not apply to assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), or any successor provision of law, or the Arms Export Control Act (22 U.S.C. 2751 et seq.) that is intended to benefit the people of that country directly and that is not channeled through governmental agencies or entities of that country.

(2) MULTILATERAL DEVELOPMENT BANK ASSISTANCE.—

(A) IN GENERAL.—The President may instruct the United States Executive Director to each international financial institution described in subparagraph (B) to use the voice and vote of the United States to oppose any loan or financial or technical assistance to the country by such international financial institution.

(B) INTERNATIONAL FINANCIAL INSTITUTIONS DESCRIBED.—The international financial institutions described in this subparagraph are the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the African Development Bank, the European Bank for Reconstruction and Development, and the International Monetary Fund.

(3) PROHIBITION OF ARMS SALES.—The President may prohibit the transfer of defense articles, defense services, or design and construction services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), including defense articles and defense services licensed or approved for export under section 38 of that Act (22 U.S.C. 2778), to the country or any national of the country.

(4) EXPORT RESTRICTIONS.—The President may prohibit or otherwise substantially restrict exports to the country of goods, technology, and services (excluding agricultural commodities and products otherwise subject to control) and may suspend existing licenses for the transfer to that person of items the export of which is controlled under the Export Administration Act of 1979 or the Export Administration Regulations.

(c) REPORT TO CONGRESS.—Upon exercising the authority of subsection (a), the President shall submit a report to Congress on the measures applied under this section and the reasons for the application of the measures.

SEC. 11. ACTIONS AGAINST TRAFFICKERS IN PERSONS.

(a) AUTHORITY TO SANCTION TRAFFICKERS IN PERSONS.—

(1) IN GENERAL.—The President may exercise IEEPA authorities (other than authorities relating to importation) without regard to section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) in the case of any foreign person who is on the list described in subsection (b).

(2) PENALTIES.—The penalties set forth in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) apply to violations of any license, order, or regulation issued under paragraph (1).

(3) IEEPA AUTHORITIES.—For purposes of clause (i), the term ''IEEPA authorities'' means the authorities set forth in section 203(a) of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)).

(b) LIST OF TRAFFICKERS OF PERSONS.—

(1) COMPILING LIST OF TRAFFICKERS IN PERSONS.—The Secretary of State is authorized to compile a list of the following persons:

(A) Any foreign person that plays a significant role in a severe form of trafficking in persons, directly or indirectly in the United States or any of its territories or possessions.

(B) Foreign persons who materially assist in, or provide financial or technological support for or to, or providing goods or services in support of, activities of a significant foreign trafficker in persons identified pursuant to subparagraph (A).

(C) Foreign persons that are owned, controlled, or directed by, or acting for or on behalf of, a significant foreign trafficker so identified pursuant to subparagraph (A).

(2) REVISIONS TO LIST.—The Secretary of State shall make additions or deletions to any list compiled under paragraph (1) on an ongoing basis based on the latest information available.

(3) CONSULTATION.—The Secretary of State shall consult with the following officers in carrying out paragraphs (1) and (2).

(A) The Attorney General.

(B) The Director of Central Intelligence.

(C) The Director of the Federal Bureau of Investigation.

(D) The Secretary of Labor.

(E) The Secretary of Health and Human Services.

(4) PUBLICATION OF LIST.—Upon compiling the list referred to in paragraph (1) and within 30 days of any revisions to such list, the Secretary of State shall submit the list or revisions to such list to the Committees on the International Relations and Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives; and to the Committees on Foreign Relations, the Judiciary, and the Select Committee on Intelligence of the Senate; and publish the list or revisions to such list in the Federal Register after such persons on the list have admitted, been convicted, or been formally found to have participated in the acts described in paragraph (1) (A), (B), and (C).

(c) REPORT TO CONGRESS ON IDENTIFICATION AND SANCTIONING OF TRAFFICKERS IN PERSONS.—Upon exercising the authority of subsection (a), the President shall submit a report to the Committees on the International Relations and the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives and to the Committees on Foreign Relations and the Judiciary, and the Select Committee on Intelligence of the Senate—

(1) identifying publicly the foreign persons from the list published under subsection (b)(4) that the President determines are appropriate for sanctions pursuant to this section; and

(2) detailing publicly the sanctions imposed pursuant to this section.

(d) EXCLUSION OF CERTAIN INFORMATION.—

(1) INTELLIGENCE.—Notwithstanding any other provision of this section, the list and report described in subsections (b) and (c) shall not disclose the identity of any person, if the Director of Central Intelligence determines that such disclosure could compromise an intelligence operation, activity, source, or method of the United States.

(2) LAW ENFORCEMENT.—Notwithstanding any other provision of this section, the list and report described in subsections (b) and (c) shall not disclose the name of any person if the Attorney General, in coordination as appropriate with the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, and the Secretary of the Treasury, determines that such disclosure could reasonably be expected to—

(A) compromise the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution that furnished information on a confidential basis;

(B) jeopardize the integrity or success of an ongoing criminal investigation or prosecution;

(C) endanger the life or physical safety of any person; or

(D) cause substantial harm to physical property.

(3) NOTIFICATION REQUIRED.—(A) Whenever either the Director of Central Intelligence or the Attorney General makes a determination

under this subsection, the Director of Central Intelligence or the Attorney General shall notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, and explain the reasons for such determination.

(B) The notification required under this paragraph shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate not later than July 1, 2001, and on an annual basis thereafter.

(e) LAW ENFORCEMENT AND INTELLIGENCE ACTIVITIES NOT AFFECTED.—Nothing in this section prohibits or otherwise limits the authorized law enforcement or intelligence activities of the United States or the law enforcement activities of any State or subdivision thereof.

(f) EXCLUSION OF PERSONS WHO HAVE BENEFITED FROM ILLICIT ACTIVITIES OF TRAFFICKERS IN PERSONS.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following new subparagraph:

''(H) TRAFFICKERS IN PERSONS.—Any alien who—

''(i) is on the most recent list of traffickers provided in section 11 of the Trafficking Victims Protection Act of 2000, or who the consular officer or the Attorney General knows or has reason to believe is or has been a knowing aider, abettor, assister, conspirator, or colluder with such a trafficker in severe forms of trafficking in persons, as defined in the section 3 of such Act; or

''(ii) who the consular officer or the Attorney General knows or has reason to believe is the spouse, son, or daughter of an alien inadmissible under clause (i), has, within the previous 5 years, obtained any financial or other benefit from the illicit activity of that alien, and knew or reasonably should have known that the financial or other benefit was the product of such illicit activity, is inadmissible.''.

(g) IMPLEMENTATION.—

(1) The Secretary of State, the Attorney General, and the Secretary of the Treasury are authorized to take such actions as may be necessary to carry out this section, including promulgating rules and regulations permitted under this Act.

(2)(A) Subject to subparagraph (B), such rules and regulations shall require that a reasonable effort be made to provide notice and an opportunity to be heard, in person or through a representative, prior to placement of a person on the list described in subsection (b).

(B) If there is reasonable cause to believe that such a person would take actions to undermine the ability of the President to exercise the authority provided under subsection (a), such notice and opportunity to be heard shall be provided as soon as practicable after the placement of the person on the list described in subsection (b).

(h) DEFINITION OF FOREIGN PERSONS.—As used in this section, the term ''foreign person'' means any citizen or national of a foreign state or any entity not organized under the laws of the United States, including a foreign government official, but does not include a foreign state.

(i) CONSTRUCTION.—Nothing in this section shall be construed as precluding judicial review of the placement of any person on the list of traffickers in person described in subsection (b).

SEC. 12. STRENGTHENING PROSECUTION AND PUNISHMENT OF TRAFFICKERS.

(a) TITLE 18 AMENDMENTS.—Chapter 77 of title 18, United States Code, is amended—

(1) in each of sections 1581(a), 1583, and 1584—

(A) by striking ''10 years'' and inserting ''20 years''; and

(B) by adding at the end the following: ''If death results from a violation of this section, or if such violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.'';

(2) in section 1584—

(A) by inserting ''(a)'' before ''Whoever''; and

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

''(b) For the purposes of this section, the term 'involuntary servitude' includes a condition of servitude induced by means of—

''(1) any act, scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint, or

''(2) the abuse or threatened abuse of the legal process.'';

(3) by inserting at the end the following new sections:

''§ 1589. Trafficking with respect to peonage, slavery, or involuntary servitude

''Whoever knowingly recruits, harbors, transports, provides, or obtains by any means any person in or into a condition that constitutes a violation of this chapter for the purpose of subjecting the person to or maintaining the person in such condition shall be fined under this title or imprisoned not more than 20 years, or both. If death results from a violation of this section, or if under this section the defendant's acts constitute kidnapping or an attempt to kidnap, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

''§ 1590. Sex trafficking of children or by force, fraud, or coercion

''(a) IN GENERAL.—Whoever knowingly—

''(1) recruits, harbors, transports, provides, or obtains by any means a person; or

''(2) benefits, financially or otherwise, from an enterprise in which a person has been recruited, harbored, transported, provided, or obtained in violation of paragraph (1),

knowing that force, fraud, or coercion described in subsection (c)(2) will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).

''(b) PUNISHMENT.—An offense under subsection (a) is punishable—

''(1) if the offense was effected by force, fraud, or coercion, or if the person transported had not attained the age of 14 years at the time of such offense, by a fine under this title or imprisonment for any term of years or for life, or both; or

''(2) if the offense was not so effected, and the person transported had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, by a fine under this title or imprisonment for not more than 20 years, or both.

''(c) DEFINITION.—In this section:

''(1) COERCION.—The term 'coercion' includes—

''(A) any act, scheme, plan, or pattern intended to cause a person to believe that if the person did not engage in a commercial sex act, that person or another person would suffer serious harm or physical restraint, and

''(B) the abuse or threatened abuse of law or the legal process.

''(2) COMMERCIAL SEX ACT.—The term 'commercial sex act' means any sex act, in or affecting interstate or foreign commerce, on account of which anything of value is given to or received by any person, and—

''(A) which takes place in the United States; or

''(B) in which either the person who caused or is expected to participate in the act or the person committing the violation is a United States citizen or an alien admitted for permanent residence in the United States.

''§ 1591. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, or involuntary servitude

''Whoever, without lawful authority, knowingly and willfully destroys, conceals, removes, confiscates, or possesses any identification, passport, or other immigration document, or any other documentation of another person—

''(1) in the course of a violation of section 1581, 1583, 1584, 1589, 1590, or 1591 or a conspiracy or attempt to commit such a violation,

''(2) to prevent or restrict the person's liberty to move or travel in order to obtain or maintain the labor or services of another, or

''(3) in the course of the unlawful entry or attempted unlawful entry of a person into the United States, in order to obtain or maintain the labor or services of another,

shall be fined under this title or imprisoned for not more than 5 years, or both.

''§ 1592. Mandatory restitution

''(a) Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalties authorized by law, the court shall order restitution for any offense under this chapter.

''(b)(1) The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim's losses, as determined by the court under paragraph (3) of this subsection.

''(2) An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

''(3) As used in this subsection, the term 'full amount of the victim's losses' has the same meaning as provided in section 2259(b)(3) and shall in addition include the greater of the gross income or value to the defendant of the victim's services or labor or the value of the victim's labor as guaranteed under the minimum wage and overtime guarantees of the Fair Labor Standards Act (29 U.S.C. 201, et seq.).

''(c) As used in this section, the term 'victim' means the individual harmed as a result of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or a representative of the victim's estate, or another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named such representative or guardian.

''§ 1593. General provisions

''(a) An attempt or conspiracy to violate section 1581, 1583, 1584, 1589, 1590, or 1591 shall be punishable in the same manner as a completed violation of that section.

''(b)(1) The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States—

''(A) such person's interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and

''(B) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.

''(2) The criminal forfeiture of property under this subsection, any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by the provisions of section 7(e) of the Trafficking Victims Protection Act of 2000.

''(c)(1) The following shall be subject to forfeiture to the United States and no property right shall exist in them:

''(A) Any personal property used or intended to be used to commit or to facilitate the commission of any violation of this chapter.

''(B) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this chapter.

''(2) The provisions of chapter 46 of this title relating to civil forfeitures shall extend to any seizure or civil forfeiture under this subsection.

''(d) WITNESS PROTECTION.—Any violation of this chapter shall be considered an organized criminal activity or other serious offense for the purposes of application of chapter 224 (relating to witness protection).''; and

(3) by amending the table of sections at the beginning of chapter 77 by adding at the end the following new items:

''1589. Trafficking with respect to peonage, slavery, or involuntary servitude.
''1590. Sex trafficking of children or by force, fraud, or coercion.
''1591. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, or involuntary servitude.
''1592. Mandatory restitution.
''1593. General provisions.''.

(b) AMENDMENT TO THE SENTENCING GUIDELINES.—

(1) Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and policy statements applicable to persons convicted of offenses involving the trafficking of persons including component or related crimes of peonage, involuntary servitude, slave trade offenses, and possession, transfer or sale of false immigration documents in furtherance of trafficking.

(2) In carrying out this subsection, the Sentencing Commission shall—

(A) take all appropriate measures to ensure that these sentencing guidelines and policy statements applicable to the offenses described in paragraph (1) of this subsection are sufficiently stringent to deter and adequately reflect the heinous nature of such offenses;

(B) consider conforming the sentencing guidelines applicable to offenses involving trafficking in persons to the guidelines applicable to peonage, involuntary servitude, and slave trade offenses; and

(C) consider providing sentencing enhancements for those convicted of the offenses described in paragraph (1) of this subsection that—

(i) involve a large number of victims;

(ii) involve a pattern of continued and flagrant violations;

(iii) involve the use or threatened use of a dangerous weapon; or

(iv) result in the death or bodily injury of any person.

(3) The Commission may promulgate the guidelines or amendments under this subsection in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS IN SUPPORT OF THE INTERAGENCY TASK FORCE.—To carry out the purposes of sections 4, 5, and 10, there are authorized to be appropriated to the Secretary of State $1,500,000 for fiscal year 2001 and $3,000,000 for fiscal year 2002.

(b) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF HEALTH AND HUMAN SERVICES.—To carry out the purposes of section 7(b), there are authorized to be appropriated to the Secretary of Health and Human Services $5,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002.

(c) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF STATE.—

(1) ASSISTANCE FOR VICTIMS IN OTHER COUNTRIES.—To carry out the purposes of section 7(a), there are authorized to be appropriated to the Secretary of State $5,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002.

(2) VOLUNTARY CONTRIBUTIONS TO OSCE.—To carry out the purposes of section 9, there are authorized to be appropriated to the Secretary of State $300,000 for voluntary contributions to advance projects aimed at preventing trafficking, promoting respect for human rights of trafficking victims, and assisting the Organization for Security and Cooperation in Europe participating states in related legal reform for fiscal year 2001.

(3) PREPARATION OF ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS.—To carry out the purposes of section 4, there are authorized to be appropriated to the Secretary of State such sums as may be necessary to include the additional information required by that section in the annual Country Reports on Human Rights Practices, including the preparation and publication of the list described in subsection (a)(1) of that section.

(d) AUTHORIZATION OF APPROPRIATIONS TO ATTORNEY GENERAL.—To carry out the purposes of section 7(b), there are authorized to be appropriated to the Attorney General $5,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002.

(e) AUTHORIZATION OF APPROPRIATIONS TO PRESIDENT.—

(1) FOREIGN VICTIM ASSISTANCE.—To carry out the purposes of section 6, there are authorized to be appropriated to the President $5,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002.

(2) ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS.—To carry out the purposes of section 9, there are authorized to be appropriated to the President $5,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002.

(f) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF LABOR.—To carry out the purposes of section 7(b), there are authorized to be appropriated to the Secretary of Labor $5,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002.

HATCH AMENDMENT NO. 4028

Mr. HATCH proposed an amendment to amendment No. 4027, previously proposed by Mr. HATCH (for Mr. BROWNBACK (for himself and Mr. WELLSTONE)) to the bill, H.R. 3244, supra; as follows:

Strike section 12 of the amendment and insert the following:

SEC. 12. STRENGTHENING PROSECUTION AND PUNISHMENT OF TRAFFICKERS.

(a) TITLE 18 AMENDMENTS.—Chapter 77 of title 18, United States Code, is amended—

(1) in each of sections 1581(a), 1583, and 1584—

(A) by striking ''10 years'' and inserting ''20 years''; and

(B) by adding at the end the following: ''If death results from a violation of this section, or if under this section the defendant's acts constitute kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.'';

(2) in section 1584—

(A) by inserting ''(a)'' before ''Whoever''; and

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

''(b) For the purposes of this section, the term 'involuntary servitude' includes a condition of servitude induced by means of—

''(1) any act, scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint, or

''(2) the abuse or threatened abuse of the legal process.'';

(3) by inserting at the end the following new sections:

''§ 1589. Trafficking with respect to peonage, slavery, or involuntary servitude

''Whoever knowingly recruits, harbors, transports, provides, or obtains by any means any person in or into a condition that constitutes a violation of this chapter for the purpose of subjecting the person to or maintaining the person in such condition shall be fined under this title or imprisoned not more than 20 years, or both. If death results from a violation of this section, or if under this section the defendant's acts constitute kidnapping or an attempt to kidnap, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

''§ 1590. Sex trafficking of children or by force, fraud, or coercion

''(a) IN GENERAL.—Whoever knowingly—

''(1) recruits, harbors, transports, provides, or obtains by any means a person; or

''(2) benefits, financially or otherwise, from an enterprise in which a person has been recruited, harbored, transported, provided, or obtained in violation of paragraph (1),

knowing that force, fraud, or coercion described in subsection (c)(2) will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).

''(b) PUNISHMENT.—An offense under subsection (a) is punishable—

''(1) if the offense was effected by force, fraud, or coercion, or if the person transported had not attained the age of 14 years at the time of such offense, by a fine under this title or imprisonment for any term of years or for life, or both; or

''(2) if the offense was not so effected, and the person transported had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, by a fine under this title or imprisonment for not more than 20 years, or both.

''(c) DEFINITION.—In this section:

''(1) COERCION.—The term 'coercion' includes—

''(A) any act, scheme, plan, or pattern intended to cause a person to believe that if the person did not engage in a commercial sex act, that person or another person would suffer serious harm or physical restraint, and

''(B) the abuse or threatened abuse of law or the legal process.

''(2) COMMERCIAL SEX ACT.—The term 'commercial sex act' means any sex act, in or affecting interstate or foreign commerce, on account of which anything of value is given to or received by any person, and—

''(A) which takes place in the United States; or

''(B) in which either the person who caused or is expected to participate in the act or the person committing the violation is a United States citizen or an alien admitted for permanent residence in the United States.

''§ 1591. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, or involuntary servitude

''Whoever, without lawful authority, knowingly and willfully destroys, conceals, removes, confiscates, or possesses any identification, passport, or other immigration document, or any other documentation of another person—

''(1) in the course of a violation of section 1581, 1583, 1584, 1589, 1590, or 1591 or attempt to commit such a violation,

''(2) to prevent or restrict the person's liberty to move or travel in order to obtain or maintain the labor or services of another, or

''(3) in the course of the unlawful entry or attempted unlawful entry of a person into the United States, in order to obtain or maintain the labor or services of another,

shall be fined under this title or imprisoned for not more than 5 years, or both.

''§ 1592. Mandatory restitution

''(a) Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalties authorized by law, the court shall order restitution for any offense under this chapter.

''(b)(1) The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim's losses, as determined by the court under paragraph (3) of this subsection.

''(2) An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

''(3) As used in this subsection, the term 'full amount of the victim's losses' has the same meaning as provided in section 2259(b)(3) and shall in addition include the greater of the gross income or value to the defendant of the victim's services or labor or the value of the victim's labor as guaranteed under the minimum wage and overtime guarantees of the Fair Labor Standards Act (29 U.S.C. 201, et seq.).

''(c) As used in this section, the term 'victim' means the individual harmed as a result of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or a representative of the victim's estate, or another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named such representative or guardian.

''§ 1593. General provisions

''(a) An attempt to violate section 1581, 1583, 1584, 1589, 1590, or 1591 shall be punishable in the same manner as a completed violation of that section.

''(b) The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States—

''(A) such person's interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and

''(B) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.

''(c)(1) The following shall be subject to forfeiture to the United States and no property right shall exist in them:

''(A) Any personal property used or intended to be used to commit or to facilitate the commission of any violation of this chapter.

''(B) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this chapter.

''(2) The provisions of chapter 46 of this title relating to civil forfeitures shall extend to any seizure or civil forfeiture under this subsection.

''(d) WITNESS PROTECTION.—Any violation of this chapter shall be considered an organized criminal activity or other serious offense for the purposes of application of chapter 224 (relating to witness protection).''; and

(3) by amending the table of sections at the beginning of chapter 77 by adding at the end the following new items:

''1589. Trafficking with respect to peonage, slavery, or involuntary servitude.

''1590. Sex trafficking of children or by force, fraud, or coercion.

''1591. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, or involuntary servitude.

''1592. Mandatory restitution.

''1593. General provisions.''.

(b) AMENDMENT TO THE SENTENCING GUIDELINES.—

(1) Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and policy statements applicable to persons convicted of offenses involving the trafficking of persons including component or related crimes of peonage, involuntary servitude, slave trade offenses, and possession, transfer or sale of false immigration documents in furtherance of trafficking.

(2) In carrying out this subsection, the Sentencing Commission shall—

(A) take all appropriate measures to ensure that these sentencing guidelines and policy statements applicable to the offenses described in paragraph (1) of this subsection are sufficiently stringent to deter and adequately reflect the heinous nature of such offenses;

(B) consider conforming the sentencing guidelines applicable to offenses involving trafficking in persons to the guidelines applicable to peonage, involuntary servitude, and slave trade offenses; and

(C) consider providing sentencing enhancements for those convicted of the offenses described in paragraph (1) of this subsection that—

(i) involve a large number of victims;

(ii) involve a pattern of continued and flagrant violations;

(iii) involve the use or threatened use of a dangerous weapon; or

(iv) result in the death or bodily injury of any person.

(3) The Commission may promulgate the guidelines or amendments under this subsection in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

BREAST CANCER RESEARCH STAMP REAUTHORIZATION ACT OF 2000

LEVIN (AND OTHERS) AMENDMENT NO. 4029

Mr. SMITH of Oregon (for Mr. LEVIN (for himself, Mrs. FEINSTEIN, and Mrs. HUTCHISON)) proposed an amendment to the bill (S. 2386) a bill to extend the Stamp Out Breast Cancer Act; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. AUTHORITY TO ISSUE SEMIPOSTAL STAMPS.

(a) SHORT TITLE.—This Act may be cited as the ''Semipostal Act of 2000''.

(b) IN GENERAL.—Chapter 4 of title 39, United States Code, is amended by striking section 416 (as added by the Semipostal Authorization Act) and inserting the following:

''§ 416. Authority to issue semipostals

''(a) DEFINITIONS.—In this section, the term—

''(1) 'agency' means an Executive agency (as defined by section 105 of title 5);

''(2) 'amounts becoming available from the sale of a semipostal under this section' means—

''(A) the total amounts received by the Postal Service with respect to the applicable semipostal in excess of the first class, first ounce rate, reduced by

''(B) an amount equal to the full costs incurred by the Postal Service from the issuance and sale of the average first class, first ounce rate stamp, plus any additional costs incurred by the Postal Service unique to the issuance of the applicable semipostal; and

''(3) 'semipostal' means a special postage stamp which is issued and sold by the Postal Service, at a premium, in order to help provide funding for an issue of national importance.

''(b) AUTHORITY.—The Postal Service may issue no more than 1 semipostal each year, and sell such semipostals, in accordance with this section.

''(c) RATES.—

''(1) IN GENERAL.—The rate of postage on a semipostal issued under this section shall be established by the Governors, in accordance with such procedures as the Governors shall by regulation promulgate (in lieu of the procedures under chapter 36), except that—

''(A) the rate established for a semipostal under this section shall be equal to the rate of postage that would otherwise regularly apply, plus a differential of not to exceed 25 percent; and

''(B) no regular rates of postage or fees for postal services under chapter 36 shall be any different from what such rates or fees otherwise would have been if this section had not been enacted.

''(2) VOLUNTARY USE.—The use of any semipostal issued under this section shall be voluntary on the part of postal patrons.

''(d) AMOUNTS BECOMING AVAILABLE.—

''(1) IN GENERAL.—The amounts becoming available from the sale of a semipostal under this section shall be transferred to the appropriate agency or agencies under such arrangements as the Postal Service shall by mutual agreement with each such agency establish.

''(2) ISSUES OF NATIONAL IMPORTANCE AND AGENCIES.—Decisions under this section concerning issues of national importance, and the appropriate agency or agencies to receive amounts becoming available under this section, shall be made applying the criteria

and procedures established under subsection (f).

''(3) RECOVERY OF COSTS.—

''(A) IN GENERAL.—Not later than 6 months after the date of enactment of the Semipostal Act of 2000, the Postal Service shall establish a system to account for all revenues and the full costs (including related labor and administrative costs) associated with selecting, developing, marketing, and selling semipostals under this section. The system shall track and account for semipostal revenues and costs separately from the revenues and costs of all other postage stamps.

''(B) PAYMENT.—Before making any payment to any agency under subsection (d)(1), the Postal Service shall recover the full costs incurred by the Postal Service as of the date of such payment.

''(C) MINIMUM COSTS.—The Postal Service shall to the maximum extent practicable keep the costs incurred by the Postal Service in issuing a semipostal to a minimum.

''(4) OTHER FUNDING NOT TO BE AFFECTED.—Amounts which have or may become available from the sale of a semipostal under this section shall not be taken into account in any decision relating to the level of appropriations or other Federal funding to be furnished to an agency in any year.

''(e) CONGRESSIONAL REVIEW.—

''(1) Before the Postal Service can take action with respect to the implementation of a decision to issue a semipostal, the Postal Service shall submit to each House of the Congress a report containing—

''(A) a copy of the decision;

''(B) a concise explanation of the basis for the decision; and

''(C) the proposed effective date of the semipostal.

''(2) Upon receipt of a report submitted under subsection (1), each House shall provide copies of the report to the chairman and ranking member of the Governmental Affairs Committee in the Senate and the Government Reform Committee in the House.

''(3) The decision of the Postal Service with respect to the implementation of a decision to issue a semipostal shall take effect on the latest of—

''(A) the date occurring 60 days after the date on which the Congress receives the report submitted under subsection (1);

''(B) if the Congress passes a joint resolution of disapproval described in section 7, and the President signs a veto of such resolution, the earlier date—

''(i) on which either House of Congress votes and fails to override the veto of the President; or

''(ii) occurring 30 session days after the date on which the Congress received the veto and objections of the President; or

''(C) the date the decision would have otherwise been implemented, if not for this section (unless a joint resolution of disapproval under section 7 is enacted).

''(4) Notwithstanding subsection (3), the decision of the Postal Service with respect to the implementation of a decision to issue a semipostal shall not be delayed by operation of this subsection beyond the date on which either House of Congress votes to reject a joint resolution of disapproval under section 7.

''(5) The Postal Service shall not implement a decision to issue a semipostal if the Congress enacts a joint resolution of disapproval, described under subsection 7.

''(6)(A) In addition to the opportunity for review otherwise provided under this chapter, in the case of any decision for which a report was submitted in accordance with subsection (1) during the period beginning on the date occurring 30 days before the date the Congress adjourns a session of Congress through the date on which the same or succeeding Congress first convenes its next session, this section shall apply to such rule in the succeeding session of Congress.

''(B) In applying this section for purposes of such additional review, a decision described under subsection (1) shall be treated as though—

''(i) the decision were made on—

''(I) in the case of the Senate, the 5th session day, or

''(II) in the case of the House of Representatives, the 5th legislative day,

after the succeeding session of Congress first convenes; and

''(ii) a report on such rule were submitted to Congress under subsection (1) on such date.

''(7) For purposes of this section, the term ''joint resolution'' means only a joint resolution introduced in the period beginning on the date on which the report referred to in subsection 1 is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: ''that Congress disapproves the decision of the Postal Service submitted on _____ relating to the issuance of _____ semipostal, and the Postal Service shall take no action to implement such decision.'' (The blank spaces being appropriately filled in).

''(8)(A) A joint resolution described in subsection (7) shall be referred to the committees in each House of Congress with jurisdiction.

''(B) For purposes of this subsection, the term ''submission date'' means the date on which the Congress receives the report submitted under section 1.

''(9) In the Senate, if the committee to which is referred a joint resolution described in subsection (7) has not reported such joint resolution (or an identical joint resolution) at the end of 20 calendar days after the submission date defined under subsection (8)(B), such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

''(10)(A) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (9)) from further consideration of a joint resolution described in subsection (7), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

''(B) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(C) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (7), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

''(D) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (7) shall be decided without debate.

''(11) In the Senate the procedure specified in subsection (9) or (10) shall not apply to the consideration of a joint resolution respecting a Postal Service decision to implement a decision to issue a semipostal—

''(A) after the expiration of the 60 session days beginning with the applicable submission date, or

''(B) if the report under subsection (1) was submitted during the period referred to in subsection (6), after the expiration of the 60 session days beginning on the 5th session day after the succeeding session of Congress first convenes.

''(12) If, before the passage by one House of a joint resolution of that House described in subsection (7), that House receives from the other House a joint resolution described in subsection (7), then the following procedures shall apply:

''(A) The joint resolution of the other House shall not be referred to a committee.

''(B) With respect to a joint resolution described in subsection (7) of the House receiving the joint resolution—

''(i) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

''(ii) the vote on final passage shall be on the joint resolution of the other House.

''(13) This section is enacted by Congress—

''(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (7), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

''(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

''(f) REGULATIONS.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of the Semipostal Act of 2000, the Postal Service shall promulgate regulations to carry out this section, including provisions relating to—

''(A) which office or other body within the Postal Service will be responsible for making the decisions described in subsection (d)(2);

''(B) what criteria and procedures will be applied in making those decisions;

''(A) IN GENERAL.—If any semipostal ceases to be offered during the period covered by a report, the information contained in such report shall also include—

''(i) the dates on which the sale of such semipostal commenced and terminated; and

''(ii) the total amount that became available from the sale of such semipostal and any agency to which such amount was made available.

''(B) SEMIPOSTALS THAT CEASE TO BE OFFERED.—For each year before the year in which a semipostal ceases to be offered, any report under this subsection shall include, for that semipostal and for the year covered by that report, the information described under clauses (i) and (ii).

''(h) NO INDIVIDUAL RIGHT CREATED.—This section is not intended to and does not create any right or benefit, substantive or procedural, enforceable at law by any party

against the Postal Service, its Governors, officers or employees, the United States, its agencies or instrumentalities, its officers or employees, or any other person.

''(i) INAPPLICABILITY TO BREAST CANCER RESEARCH SPECIAL STAMPS.—This section shall not apply to special postage stamps issued under section 414.

''(j) TERMINATION.—This section shall cease to be effective at the end of the 10-year period beginning on the date on which semipostals are first made available to the public under this section.''.

(c) REPORTS BY AGENCIES.—

(1) IN GENERAL.—Each agency that receives any funding in a year under section 416 of title 39, United States Code (as amended by this section) shall submit a written report under this subsection with respect to such year to the congressional committees with jurisdiction over the United States Postal Service.

(2) CONTENTS.—Each report under this subsection shall include—

(A) the total amount of funding received by such agency under section 416 of such title during the year to which the report pertains;

(B) an accounting of how any funds received by such agency under section 416 of such title were allocated or otherwise used by such agency in such year; and

(C) a description of the effectiveness in addressing the applicable issue of national importance that occurred as a result of the funding.

(d) REPORTS BY THE GENERAL ACCOUNTING OFFICE.—

(1) INITIAL REPORT.—Not later than 4 months after semipostal stamps are first made available to the public under section 416 of title 39, United States Code (as amended by this section), the General Accounting Office shall submit to the President and each house of Congress an initial report on the operation of the program established under such section.

(2) INTERIM REPORTS.—Not later than the third year, and again not later than the sixth year, after semipostal stamps are first made available to the public under section 416 of title 39, United States Code (as amended by this section), the General Accounting Office shall submit to the President and each house of Congress an interim report on the operation of the program established under such section.

(3) FINAL REPORT.—Not later than 6 months before the date of termination of the effectiveness of section 416 of title 39, United States Code (as amended by this section), the General Accounting Office shall submit to the President and each house of Congress a final report on the operation of the program established under such section. The final report shall contain a detailed statement of the findings and conclusions of the General Accounting Office, and any recommendation the General Accounting Office considers appropriate.

(e) CONFORMING AMENDMENT.—Section 2 of the Semipostal Authorization Act is amended by striking subsections (b), (c), and (e).

(f) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and the program under section 416 of title 39, United States Code (as amended by this section) shall be established not later than 1 year after the date of enactment of this Act.

Amend the title of the bill so as to read: ''To authorize the United States Postal Service to issue semipostals, and for other purposes.''.

NOTICES OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight field hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, August 23 at 9 a.m. in the U.S. Federal Building Courthouse, Courtroom 1, located at 222 West 7th Avenue, 2nd Floor, Anchorage, AK.

The purpose of the hearing is to conduct oversight on the implementation of the federal takeover of subsistence fisheries in Alaska. Additionally, the Committee will examine the recent decision by the Federal Subsistence Board regarding a ''rural'' determination for the Kenai Peninsula. Oral testimony will be provided by members of the Federal Subsistence Board.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please contact Brian Malnak at 202–224–8119 or Jo Meuse at 202–224–4756.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Thursday, September 7, 2000 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C. This hearing was previously scheduled to take place on July 26, 2000.

The purpose of this oversight hearing is to receive testimony on potential timber sale contract liability incurred by the government as a result of timber sale contract cancellations

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey at (202) 224–6170.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Tuesday, September 12, 2000 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to conduct oversight on the status of the Biological Opinions of the National Marine Fisheries Service and the U.S. Fish and Wildlife Service on the operations of the Federal hydropower system of the Columbia River.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, D.C. 20510–6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224–8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, July 27, 2000. The purpose of this meeting will be to review the Federal Sugar Program.

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

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, July 27, 2000. The purpose of this hearing will be to review proposals to establish an International School Lunch Program.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, July 27, 2000, at 9:30 a.m. on antitrust issues in the airline industry.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 27 at 9:30 a.m. to conduct an oversight hearing. The committee will receive testimony from representatives of the General Accounting Office on the investigation of the Cerro Grande Fire in the State of New Mexico, and from Federal agencies on the Cerro Grande Fire and their fire policies in general.

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

COMMITTEE ON FINANCE

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate