of the Federal Government further and ensured the power of the states and the liberty of the people. He was a critical drafter in the development of the Bill of Rights.

Madison's herculean efforts, along with the efforts of others, resulted in the ratification of the Constitution with a Bill of Rights. This constitutional government enabled a fledgling democracy to grow into the most powerful force for liberty the world has ever known. He was the right man at the right time.

Notwithstanding Madison's intellectual prowess and the thoughtful, reflective approach he brought to problem-solving, humility was the hallmark of this man. In later years, when he was referred to as the Father of the Constitution, Madison modestly protested that the document was not ''the offspring of a single brain'' but ''the work of many heads and many hands.'' It was true, but it was done under his nurturing care.

After Madison's service at the Constitutional Convention, he served in the U.S. House of Representatives for four terms. When Thomas Jefferson was elected President in 1801, he selected Madison to serve as his Secretary of State.

At the conclusion of Jefferson's administration, the American people twice elected James Madison President of the United States. As President, he watched over the very government he played such a crucial role in creating. And his steady leadership in the War of 1812 against Great Britain helped guide America to victory.

While these accomplishments are remarkable indeed, the really remarkable thing is the enduring nature of Madison's imprint on American history. Amended only 17 times after its ratification with the Bill of Rights, the Constitution that Madison drafted still provides the same basic structure upon which our government operates today and that we comply with every day in this body.

The Supreme Court still quotes the Federalist Papers that Madison drafted. And Madison's concept of federalism is the subject of renewed debate in the Supreme Court and Congress at this time.

The Constitution that Madison drafted, and his writings that have guided generations of Americans in interpreting that Constitution, are still the envy of the world. Madison's wisdom and foresight have been proven by the indisputable success of the American constitutional experiment. Indeed, while we are a young country, this nation has the oldest continuous written Constitution in the world. It is a beacon and example for others. Many try and are not able to make it work, but they have modeled their constitutions so often after ours.

Why has it worked? Because Madison understood that the law must be suited to the people it is intended to govern. In Federalist No. 51, Madison stated:

> What is government itself but the greatest of all reflections on human nature?

And a constitution that protects liberty is suited to a people who love liberty to the extent that they are willing to fight and die for it.

So, Mr. President, it is with great pride that I join with other Senators on both sides of the aisle, including Senators BYRD, THURMOND, MOYNIHAN, WARNER, and ROBB, to offer at the appropriate time, this bill establishing the James Madison Commemoration Commission. The Commission will celebrate the 250th anniversary of James Madison's birth on March 16, 2001.

The commission will consist of 19 members: The Chief Justice of the Supreme Court, the Majority and Minority Leaders of the Senate, the Speaker and Minority Leader of the House, the Chairmen and Ranking Members of the Senate and House Judiciary Committees, two Members of the Senate selected by the Majority Leader, two Members of the Senate selected by the Minority Leader, two Members of the House of Representatives selected by the Speaker, two Members of the House of Representatives selected by the Minority Leader of the House, and two members of the Executive Branch selected by the President. A person not able to serve may designate a substitute. Members will be chosen based on their position at the end of the 106th Congress and will continue to serve until the expiration of the Commission.

The bill will also create an Advisory Committee with 14 members, including: the Archivist of the United States, the Secretary of the Smithsonian Institute, the Executive Director of Montpelier, the President of James Madison University, the Director of the James Madison Center, the President of the James Madison Memorial Fellowship Foundation, 2 persons who are not Members of Congress selected by the majority leader of the Senate, with expertise on the legal and historical significance of James Madison, 2 persons who are not Members of Congress, selected by the minority leader of the Senate, 2 persons who are not Members of Congress, selected by the Speaker of the House, and 2 persons who are not Members of Congress, selected by the minority leader of the House.

With the aid of the Advisory Committee, the Commission will:

1. Publish a collection of Madison's most important writings and tributes to Madison;
2. Coordinate and plan a symposium to provide a better understanding of Madison's contributions to American political culture;
3. Recognize other events celebrating Madison's life and contributions;
4. Accept essay papers from students on Madison's life and contributions and award certificates as appropriate; and
5. Bestow honorary memberships on the Commission and the Advisory Committee.

The bill authorizes $250,000 for the Commission. This will be used for the expenses of publishing the book and hosting a symposium.

The Commission will expire after its work is done in 2001.

Mr. President, I believe this work is truly important to our country. I ask all my colleagues—and we have had a growing number of individuals who have joined as co-sponsors of this bill—to join in this effort to commemorate the Father of our Constitution and perhaps the greatest practical political scientist who ever lived, James Madison.

I yield the floor.

Mr. KENNEDY. Mr. President, I am pleased to gain Senator SESSIONS as a cosponsor of the James Madison Commemoration Commission Act. It is appropriate that we honor James Madison for his exemplary contributions to our country.

The Commission will build on the success of the James Madison Fellowship Foundation, which Senator HATCH and I cochair. We are very proud of the work of the Madison Fellows. They are among the most accomplished, talented, and dedicated educators in the Nation. They are committed to educating children across the country about the value of learning, the importance of the Constitution, and the significance of public service.

I hope that this new Commission honoring James Madison will breathe new life into the Constitution for people across the country.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

STEM CELL LEGISLATION

Mr. SPECTER. Mr. President, I was not on the floor a few moments ago when the distinguished majority leader and the assistant leader for the Democrats had a colloquy when the majority leader propounded a unanimous consent request concerning legislation on stem cells. I think it useful to make a brief comment or two and then to have, if I might, a brief discussion with the majority leader about what will happen on the future of the bill.

The stem cell legislation in question would eliminate the prohibition now in effect which limits the use of Federal funds, principally from the National Institutes of Health, from paying for extracting stem cells from embryos. Once the stem cells have been extracted from embryos, then Federal funds may be used on their research, and private funds—if I might have the attention of the majority leader for a moment while we discuss the stem cell issue, as to what is going to happen next. Without describing the legislation—which I can in a minute—I ask the distinguished majority leader what he anticipates in the future.

When this issue to eliminate the limitation on funding was stricken from the appropriations bill last year, it was done so after I consulted with the majority leader because concluding it would have resulted in a filibuster and

tied up that appropriations bill. The majority leader made a commitment, which he has fulfilled today, to bring the bill to the floor.

It had been my hope that we would have had the bill on the floor at an earlier time, but I fully understand the complexities of the schedule; and once we had reached September, the only way to deal with the matter was on a limited time agreement to be obtained through unanimous consent.

So it is my hope that the intent and the thrust of what was proposed—I think intended—was that that the bill would be on the calendar and considered when we reconvened, when it would not have to be subjected to a unanimous consent request, but it might have to pass a filibuster vote on a motion to proceed.

Mr. LOTT. Mr. President, if the Senator from Pennsylvania will yield, let me acknowledge the fact that the Senator from Pennsylvania did agree at a critical moment last year to remove this issue from the Labor-HHS-Education appropriations bill so we could complete it. It was clearly one of the difficulties we were having in wrapping up the session.

I committed at that time that we would make an effort to get it up this year and that I would do that. We probably should have made this effort earlier. I owe him an apology for not doing that. Let me say, in recent days we have tried to clear it. There is objection to it. I believed it was important that I go ahead and make that request publicly because we made that commitment to the Senator.

I know how strongly the Senator from Pennsylvania feels about this issue, and a lot of other people feel very strongly about it. I know we had some testimony on it within the last couple of weeks in the Senate. There are strong and passionate feelings about it on both sides in terms of what it can do for some health problems, and there are others who obviously think this is an improper use. I am sure it will be a good debate whenever it is debated and wherever it is debated. I will work with the Senator next year to try to get it up earlier in the session. Before I make a commitment at this time that I will file cloture, I have to make sure it will not fall through and I can keep that commitment.

But I will work with him to see that he gets a shot at it. He always has the opportunity to offer amendments on bills that come along. There is not just one way to get it done. I do believe I owe him a commitment to keep working with him. Even though I don't necessarily agree with him on the substance, I think on the procedure I have an obligation to keep a commitment to help him.

Mr. SPECTER. Mr. President, I thank the distinguished majority leader for his statement. I appreciate his last statement that he doesn't necessarily agree with me, which leaves some room that he doesn't necessarily disagree with me. I am not looking for a response at this time. Senator LOTT is well known to have an open mind on controversial issues and on matters not debated. I agree with him when he says it is subject to passionate feelings on both sides.

We had debates and witnesses. We had seven hearings on this issue. We had Senator BROWNBACK, the principal opponent of the legislation, to testify, and Congressman JAY DICKEY, the principal opponent of the legislation in the House, to testify.

The hearings have always been balanced, and we have had people who have opposed the legislation at every one of the hearings.

It is a matter which is appropriate for the Senate to consider. I appreciate what the majority leader has said about giving consideration to an early listing next year, and not making a commitment on pressing a cloture motion. I think a cloture motion could be filed by any 17 Senators. But we are not going to get involved in that at this time.

But I did want to say for the RECORD why I believe it is important that the matter be considered. And it is because stem cells have such a remarkable opportunity to cure many of the most difficult maladies and diseases which confront America and the world today. These stem cells have the potential to be placed in the human body to replace other cells.

We had testimony, for example, from Michael J. Fox, who suffers from Parkinson's. We had the experts testify that these stem cells could be enormously effective in curing Parkinson's. That is an obtainable goal perhaps in as early as 5 years.

The stem cells may also be useful on Alzheimer's disease, on strokes, on spinal cord injuries, perhaps on cancer, and perhaps on heart ailments.

There is virtually no limit to what these stem cells can do. They are a veritable fountain of youth.

I have said publicly that I understand those on the other side of the issue. It involves taking an embryo which has been created for purposes of in vitro fertilization but not used. These embryos are discarded. There are some 100,000 embryos in existence today which will not be used. So the issue is whether you simply discard these embryos which will have no further effect, or whether you use these embryos to produce stem cells which can cure many very serious maladies.

There are other alternatives such as adult stem cells. But the scientific evidence has been very compelling, in my judgment, that adult stem cells cannot do the job, but stem cells can from embryos.

There are also stem cells from fetal tissue. Those stem cells are limited, and we really need the stem cells from these embryos to provide the research opportunities to cure so many of these ailments.

This is not an issue which is going to lead to the creation of embryos for the purposes of extracting stem cells. When we have the fetal tissue discussion, many people are concerned that they will produce more abortions to have fetal tissue available. In fact, that was not the case—fetal tissue was used from abortions which would have occurred in any event.

It is not a controversial pro-life versus pro-choice issue as we have had many Senators who are strongly pro-life support stem cell research in this legislation. Senator STROM THURMOND, who is very strongly pro-life and an acknowledged very conservative Senator, testified before the subcommittee in favor of this legislation to have Federal funding for extraction of stem cells from embryos.

Senator CONNIE MACK of Florida has spoken about this bill, another pro-life Senator speaking in favor of it. Very strong statements have come from Senator GORDON SMITH, who is pro-life and very concerned about these underlying issues, as to why he feels the balance is in favor of this sort of legislation.

Since the issue was mentioned and there is not another Senator on the floor seeking recognition, I thought I would explain in abbreviated form where this legislation is pending, and why I have been pressing. It comes naturally within the subcommittee of appropriations which I chair.

The prohibition against use of Federal funds to extract stem cells from embryos was placed in a bill which came out of this subcommittee. When the prohibition was imposed, there was no one who really knew the miraculous potential of stem cells, it being a veritable fountain of youth. This only came into existence with the research disclosed in November of 1998. Since that time, our subcommittee has had seven hearings to explore the issue very fully.

It is my hope that the matter will come before the Senate early next year. I appreciate what the majority leader has had to say. We will let the Senate work its will. Let us consider it. Let us debate it. Let us analyze it and come to judgment on it, which is our role as legislators, in a way which considers all of the claims and considers all of the positions but resolves the matter so that public policy will be determined in accordance with our constitutional standards and our legislative procedures.

I thank the Chair. I yield the floor.

In the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

THE PRESIDING OFFICER. The Senator from Minnesota is recognized.

MR. GRAMS. I thank the Chair.

(The remarks of Mr. GRAMS and Mr. SESSIONS pertaining to the introduction of S. 3138 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have two unanimous consents that have been agreed to on the other side. I will make them as expeditiously as I can.

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000—Resumed

Mr. DOMENICI. Mr. President, on H–1B, I ask unanimous consent the Senate now resume S. 2045, the H–1B bill, and the managers' amendment be agreed to, which is at the desk, and all other provisions of the consent be in order.

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

The amendments (Nos. 4214, 4216 and 4217) were withdrawn.

The motion to recommit was withdrawn.

The amendment (No. 4275) was agreed to.

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

The amendment (No. 4177), as amended, was agreed to.

The committee substitute, as amended, was agreed to.

The bill (S. 2045), as amended, was ordered to a third reading and was read the third time.

Mr. HATCH. Mr. President, let me highlight our intent about how the Immigration and Naturalization Service (INS) should implement this legislation with respect to physicians who seek H–1B visas. The INS currently requires that each applicant for an H–1B visa who wishes to work as a physician must have passed the three parts of the United States Medical Licensing Examination (USMLE) and, if required by the state in which he or she will be practicing, be licensed. Due to the increased number of physicians who may work in the U.S. under H–1B visas with the passage of this legislation, it is even more important that the INS confirm successful completion of all parts of the USMLE each time an individual physician applies for, or seeks renewal of, an H–1B visa.

Mr. KENNEDY. Mr. President, our Nation's economy is experiencing a time of unprecedented growth and prosperity. This strong economic growth can, in large measure, be traced to the vitality of the fast-growing high technology industry. Information technology, biotechnology and associated manufacturers have created more new jobs than any other part of the economy.

The rapid growth of the high-tech industry has made it the nation's third largest employer, with 4.8 million workers in high-tech related fields, working in jobs that pay 70 percent above average income. The Bureau of Labor Statistics projects that the number of core IT workers will grow to a remarkable 2.6 million by 2006—an increase of 1.1 million from 1996.

With such rapid change, the economy is stretched thin to support these new businesses and the growth opportunities they present. The constraint cited most often on future growth of the high-technology industry is the shortage of men and women with the skills and technical background needed for jobs in the industry. Several factors are contributing to this shortage, including an inaccurate, negative image of IT occupations as overly demanding, the under-representation of women and minorities in the IT workforce, and outdated academic curricula that often do not keep pace with industry needs.

All of us want to be responsive to the nation's need for high-tech workers. We know that unless we take steps now to address this growing workforce gap, America's technological and economic leadership will be jeopardized. The H–1B visa cap should be increased, but in a way that better addresses the fundamental needs of the economy. Raising the cap without seriously addressing our long-term labor needs would be a serious mistake.

The legislation before us today includes provisions that respond to what American workers, students and employers have been telling Congress: that any credible legislative proposal must begin with a significant expansion of career training and educational opportunities for our workers and students. Expanding the number of H–1B visas to meet short-term needs is no substitute for long-term solutions to fully develop the potential of our domestic workforce. It makes sense to ask that more of our workers be recruited and trained for these jobs.

I commend Senator LIEBERMAN, Senator CONRAD, and other colleagues for their valuable contributions to the proposed training provisions. The training provided will ensure that the H–1B program will provide our workers with the skills needed to benefit from this growing economy and to help our companies continue to grow.

A REASONABLE INCREASE IN THE H–1B VISA CAP IS JUSTIFIED, BUT IT MUST BE TEMPORARY AND SUFFICIENTLY TAILORED TO MEET EXISTING SHORT-TERM NEEDS

A temporary influx of foreign workers and students is needed in the short-term to help meet the demands by U.S. firms for high skilled workers. But we shouldn't count on foreign sources of labor as a long-term solution. It is unfair to U.S. workers, and the supply of foreign workers is limited.

It makes sense to insist that more of our domestic workers must be recruited into and placed in these jobs. Countless reports cite age and race discrimination as a major problem in the IT industry, along with the hiring of foreign workers and lay-off of domestic workers.

A Dallas Morning News article describes how Ken Schiffman of Texas received only one or two responses to his resume over a long period of time, until he deleted all direct and indirect references to his age. After that, he received 26 messages in one day. A human resource executive at a trade association confirms that this problem is a constant issue. Employers often ask the age of an applicant and reject older applicants without ever interviewing them.

John Miano, head of the American Programmer's Guild, argues that once a worker is laid off, it is very difficult to find a new job, in contrast to younger workers. Companies often unfairly view older workers as ''dirty linen.'' These and countless other experiences support the need for a more responsible approach to H–1B legislation. And similar problems face women and minorities who are under-represented in the IT workforce.

Although many new jobs are created in the IT industry each year, we also know that thousands of IT workers were laid off in 1999. For example 5,180 workers lost their jobs at Electronic Data Systems, 2,150 at Compaq, and 3,000 at NEC-Packard Bell.

We also know that some IT companies classify their workers as independent contractors or temporary workers, rather than as employees, to avoid paying them benefits. In fact, it has been said that ''if all categories of contingent workers are included—temporary, part-time, self-employed, and contract workers—almost 40% of all employment in Silicon Valley are contingent workers.'' This mis-classification scheme also contributes to numerous positions being seemingly ''unfilled,'' because official ''employees'' are not performing those functions. This practice perpetuates an artificially higher number of ''open'' positions than actually exist.

Although it makes sense to provide an increase in the H–1B cap through FY 2002, the unprecedented cap exemptions in the Hatch bill are unwarranted. Those exemptions would permit 40,000 workers above the 195,000 cap to receive an H–1B visa. The resulting figure is well above the number of visas that even the most ardent IT lobbyists claim are needed. Exempting all those with advanced credentials will result in a significant increase in the number of persons within the cap who have less specialized skills, and who are in occupations ranging from therapists to super models. This is not the direction in which the H–1B visa program should be moving. The bill should not focus solely on the number of visas available for foreign skilled workers. It should also emphasize employers' needs for as many workers with the highest professional credentials as possible, who possess specialized skills that cannot be easily and quickly reproduced domestically.

I am strongly in favor of supporting our institutions of higher education and research groups. But the two types of exemptions in the bill overlap and are unnecessarily complex. The first exemption addresses a genuine need of universities who face difficulty competing with the high tech industry for