((RIN2120–AA66)(2001–0061)) received on March 8, 2001; to the Committee on Commerce, Science, and Transportation.

EC–966. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Legal Descriptions of Multiple Federal Airways in the Vicinity of Douglas; WY'' ((RIN2120–AA66)(2001–0062)) received on March 8, 2001; to the Committee on Commerce, Science, and Transportation.

EC–967. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: SOCATA Groups Aerospatiale Model TBM 700 Airplanes'' ((RIN2120–AA64)(2001–0149)) received on March 8, 2001; to the Committee on Commerce, Science, and Transportation.

EC–968. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model CL 600 2B19 Series Airplanes'' ((RIN2120–AA64)(2001–0150)) received on March 8, 2001; to the Committee on Commerce, Science, and Transportation.

EC–969. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasilleria de Aeronautica SA Model EMB–145 Series Airplanes'' ((RIN2120–AA64)(2001–0151)) received on March 8, 2001; to the Committee on Commerce, Science, and Transportation.

EC–970. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: BAe Systems Limited Model BAe 146 and Model Avro 146RJ Series Airplanes'' ((RIN2120–AA64)(2001–0152)) received on March 8, 2001; to the Committee on Commerce, Science, and Transportation.

EC–971. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model DHC 8 100, 200, and 300 Series Airplanes'' ((RIN2120–AA64)(2001–0153)) received on March 8, 2001; to the Committee on Commerce, Science, and Transportation.

EC–972. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A300 B4 Series Airplanes and Model A300 B4 600, A300 B4 600R, and A300 F4 600R Series Airplanes'' ((RIN2120–AA64)(2001–0154)) received on March 8, 2001; to the Committee on Commerce, Science, and Transportation.

EC–973. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: British Aerospace Model 4101 Airplanes'' ((RIN2120–AA64)(2001–0155)) received on March 8, 2001; to the Committee on Commerce, Science, and Transportation.

EC–974. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–100, 200, 300, 400, and 747SR Series Airplanes'' ((RIN2120–AA64)(2001–0156)) received on March 8, 2001; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CAMPBELL (for himself, Mr. BINGAMAN, and Mr. INOUYE):

S. 502. A bill to provide for periodic Indian needs assessments, to require Federal Indian program evaluations, and for other purposes; to the Committee on Indian Affairs.

By Mr. REID (for himself and Mr. ENSIGN):

S. 503. A bill to amend the Safe Water Act to provide grants to small public drinking water system; to the Committee on Environment and Public Works.

By Mr. CAMPBELL (for himself, Mr. INOUYE, and Mr. BINGAMAN):

S. 504. A bill for administrative procedures to extend Federal recognition to certain Indian groups, and for other purposes; to the Committee on Indian Affairs.

By Mrs. FEINSTEIN (for herself, Mr. SCHUMER, and Mr. KENNEDY):

S. 505. A bill to amend the Internal Revenue Code of 1986 to regulate certain 50 caliber sniper weapons in the same manner as machine guns and other firearms, and for other purposes; to the Committee on Finance.

By Mr. MURKOWSKI:

S. 506. A bill to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Huna Totem Corporation, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MURKOWSKI (for himself, Mr. AKAKA, and Mr. BINGAMAN):

S. 507. A bill to implement further the Act (Public Law 94–241) approving the covenant to establish a commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LUGAR:

S. 508. A bill to authorize the President to promote posthumously the late Raymond Ames Spruance to the grade of Fleet Admiral of the United States Navy, and for other purposes; to the Committee on Armed Services.

By Mr. MURKOWSKI:

S. 509. A bill to establish the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SANTORUM:

S. 510. A bill to amend the Caribbean Basin Economic Recovery Act to provide trade benefits for certain textile covers; to the Committee on Finance.

By Ms. SNOWE:

S. 511. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel AJ; to the Committee on Commerce, Science, and Transportation.

By Mr. DORGAN (for himself, Mr. ENZI, Mr. GRAHAM, Mr. VOINOVICH, Mr. BREAUX, Mr. THOMAS, Mr. DURBIN, Mr. CHAFEE, Mrs. LINCOLN, Mrs. HUTCHISON, and Mr. ROCKEFELLER):

S. 512. A bill to foster innovation and technological advancement in the development of the Internet and electronic commerce, and to assist the States in simplifying their sales and use taxes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. VOINOVICH (for himself and Mr. DEWINE):

S. Res. 56. A resolution honoring the memory of James A. Rhodes as a gifted political servant and statesman; considered and agreed to.

By Mr. BOND (for himself, Mr. HOLLINGS, Mr. HUTCHINSON, Mr. KENNEDY, Mr. DEWINE, Mr. DASCHLE, Mr. COCHRAN, Mr. DODD, Mr. BREAUX, Ms. COLLINS, Mr. DURBIN, Mrs. FEINSTEIN, Mr. KERRY, Mr. KOHL, Mrs. LINCOLN, Mr. LUGAR, Mrs. MURRAY, and Mr. WELLSTONE):

S. Res. 57. A resolution to express the sense of the Senate that the Federal investment in programs that provide health care services to uninsured and low-income individuals in medically under-served areas be increased in order to double access to care over the next 5 years; to the Committee on Appropriations.

ADDITIONAL COSPONSORS

S. 250

At the request of Mr. BAUCUS, his name was withdrawn as a cosponsor of S. 250, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 366

At the request of Mr. MURKOWSKI, his name was added as a cosponsor of S. 366, a bill to amend the Agricultural Trade Act of 1978 to increase the amount of funds available for certain agricultural trade programs.

S. 393

At the request of Mr. FRIST, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 393, a bill to amend the Internal Revenue Code of 1986 to encourage charitable contributions to public charities for use in medical research.

S. RES. 43

At the request of Mr. MURKOWSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. Res. 43, a resolution expressing the sense of the Senate that the President should designate the week of March 18 through March 24, 2001, as ''National Inhalants and Poisons Awareness Week.''

S. RES. 45

At the request of Mr. HUTCHINSON, his name was added as a cosponsor of S. Res. 45, a resolution honoring the men and women who serve this country in the National Guard and expressing condolences of the United States Senate to family and friends of the 21 National Guardsmen who perished in the crash on March 3, 2001.

At the request of Mrs. CARNAHAN, her name was added as a cosponsor of S. Res. 45, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DEWINE (for himself, Mr. HUTCHINSON, Mr. HATCH, Mr.

VOINOVICH, Mr. BROWNBACK, Mr. ENSIGN, Mr. ENZI, Mr. HAGEL, Mr. HELMS, Mr. INHOFE, Mr. NICKLES, and Mr. SANTORUM):

S. 480. A bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence to the Committee on the Judiciary.

Mr. DEWINE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 480

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Unborn Victims of Violence Act of 2001''.

SEC. 2. PROTECTION OF UNBORN CHILDREN.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 90 the following:

''CHAPTER 90A—PROTECTION OF UNBORN CHILDREN

''Sec.
''1841. Causing death of or bodily injury to unborn child.

''§ 1841. Causing death of or bodily injury to unborn child

''(a)(1) Any person who engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365 of this title) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

''(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment provided for that conduct under Federal law had that injury or death occurred to the unborn child's mother.

''(B) An offense under this section does not require proof that—

''(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

''(ii) the defendant intended to cause the death of, or bodily injury to, the unborn child.

''(C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall be punished as provided under section 1111, 1112, or 1113 of this title, as applicable, for intentionally killing or attempting to kill a human being, instead of the penalties that would otherwise apply under subparagraph (A).

''(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

''(b) The provisions referred to in subsection (a) are the following:

''(1) Sections 36, 37, 43, 111, 112, 113, 114, 115, 229, 242, 245, 247, 248, 351, 831, 844(d), 844(f), 844(h)(1), 844(i), 924(j), 930, 1111, 1112, 1113, 1114, 1116, 1118, 1119, 1120, 1121, 1153(a), 1201(a), 1203, 1365(a), 1501, 1503, 1505, 1512, 1513, 1751, 1864, 1951, 1952(a)(1)(B), 1952(a)(2)(B), 1952(a)(3)(B), 1958, 1959, 1992, 2113, 2114, 2116, 2118, 2119, 2191, 2231, 2241(a), 2245, 2261, 2261A, 2280, 2281, 2332, 2332a, 2332b, 2340A, and 2441 of this title.

''(2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848(e)).

''(3) Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283).

''(c) Subsection (a) does not permit prosecution—

''(1) for conduct relating to an abortion for which the consent of the pregnant woman has been obtained or for which such consent is implied by law in a medical emergency;

''(2) for conduct relating to any medical treatment of the pregnant woman or her unborn child; or

''(3) of any woman with respect to her unborn child.

''(d) In this section—

''(1) the terms 'child in utero' and 'child, who is in utero' mean a member of the species homo sapiens, at any stage of development, who is carried in the womb; and

''(2) the term 'unborn child' means a child in utero.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 90 the following:

''90A. Causing death of or bodily injury to unborn child ..... 1841''.

SEC. 3. MILITARY JUSTICE SYSTEM.

(a) PROTECTION OF UNBORN CHILDREN.—Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 919 (article 119) the following:

''§ 919a. Art. 119a. Causing death of or bodily injury to unborn child

''(a)(1) Any person subject to this chapter who engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365 of title 18) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

''(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment for that conduct under this chapter had that injury or death occurred to the unborn child's mother.

''(B) An offense under this section does not require proof that—

''(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

''(ii) the defendant intended to cause the death of, or bodily injury to, the unborn child.

''(C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall be punished as provided under section 918, 919, or 880 of this title (article 118, 119, or 80), as applicable, for intentionally killing or attempting to kill a human being, instead of the penalties that would otherwise apply under subparagraph (A).

''(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

''(b) The provisions referred to in subsection (a) are sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and 928 of this title (articles 111, 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).

''(c) Subsection (a) does not permit prosecution—

''(1) for conduct relating to an abortion for which the consent of the pregnant woman has been obtained or for which such consent is implied by law in a medical emergency;

''(2) for conduct relating to any medical treatment of the pregnant woman or her unborn child; or

''(3) of any woman with respect to her unborn child.

''(d) In this section—

''(1) the terms 'child in utero' and 'child, who is in utero' mean a member of the species homo sapiens, at any stage of development, who is carried in the womb; and

''(2) the term 'unborn child' means a child in utero.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 919 the following:

''919a. 119a. Causing death of or bodily injury to unborn child.''.

By Mr. CAMPBELL (for himself, Mr. BINGAMAN, and Mr. INOUYE):

S. 502. A bill to provide for periodic Indian needs assessments, to require Federal Indian program evaluations, and for other purposes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am pleased to be joined by Senator BINGAMAN and Senator INOUYE in introducing the Indian Needs Assessment, Program Evaluation and Policy Coordination Act of 2001 to bring about needed reforms in the way Indian programs are designed and funded.

As the annual funding debates over Indian programs show us year after year, rational and equitable funding decisions are made more difficult because of the lack of accurate and up-to-date information about the needs of tribal governments and tribal members.

The ability of the Congress to target unmet needs and make available adquate funds for tribes and tribal members is directly related to the quantity and quality of information available about the type and degree of demand for federal programs and services.

Within two years of the enactment of this act, and every 5 years thereafter, each Federal agency or department is required to conduct an ''Indian Needs Assessment'', INA, aimed at determining the needs of tribes and Indians eligible for programs and services administered by such agency or department.

To facilitate information collection and analysis, the bill requires the development of a uniform method, criteria and procedures for determining, analyzing, and compiling the program and service needs of tribes and Indians.

The resulting ''Indian Needs Assessments'' are to be filed with the Committees on Appropriations and Indian Affairs of the Senate, and the Committees on Appropriations and Resources of the House of Representatives.

In addition to a Needs Assessment, the bill also requires that each Federal agency or department responsible for providing services to Indians file an ''Annual Indian Program Evaluation'', AIPE, with these same committees. The AIPE will measure the performance and effectiveness of the programs under the jurisdiction of that agency or department, and include recommendations as to how such programs can be improved.

I ask unanimous consent that the text of the bill be printed in the RECORD and urge my colleagues to join me in supporting this measure.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 502

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Indian Needs Assessment and Program Evaluation Act of 2001''.

SEC. 2. FINDINGS, PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the United States and the Indian tribes have a unique legal and political government-to-government relationship;

(2) pursuant to the Constitution, treaties, statutes, Executive orders, court decisions, and course of conduct, the United States has a trust obligation to provide certain services to Indian tribes and to Indians;

(3) Federal departments and agencies charged with administering programs and providing services to, or for the benefit of, Indians have not furnished Congress with adequate information necessary to assess such programs on the needs of Indians and Indian tribes;

(4) such lack of information has hampered the ability of Congress to determine the nature, type, and magnitude of such needs as well as its ability to respond to them; and

(5) Congress cannot properly fulfill its obligation to Indian tribes and Indian people unless and until it has an adequate store of information related to the needs of Indians nationwide.

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

(1) ensure that Indian needs for Federal programs and services are known in a more certain and predictable fashion;

(2) require that Federal departments and agencies carefully review and monitor the effectiveness of the programs and services provided to Indians;

(3) provide for more efficient and effective cooperation and coordination of, and accountability from, the Federal departments and agencies providing programs and services, including technical and business development assistance, to Indians; and

(4) provide Congress with reliable information regarding Indian needs and the evaluation of Federal programs and services provided to Indians nationwide.

SEC. 3. INDIAN TRIBAL NEEDS ASSESSMENT.

(a) INDIAN TRIBAL NEEDS ASSESSMENTS.—

(1) IMMEDIATE ASSESSMENT.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall contract with an appropriate entity, in consultation and coordination with the Indian tribes, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Defense, the Secretary of Energy, the Secretary of Health and Human Services, the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of the Treasury, the Secretary of Transportation, the Secretary of Veterans Affairs, the Attorney General, the Administrator of the Environmental Protection Agency, and the heads of any other relevant Federal departments or agencies, for the development of a uniform method and criteria, and uniform procedures for determining, analyzing, and compiling the program and service assistance needs of Indian tribes and Indians by each such department or agency. The needs assessment shall address, but not be limited to, the following:

(i) The location of the service area of each program.

(ii) The size of the service area of each program.

(iii) The total population of each tribe located in the service area.

(iv) The total population of members of other tribes located in the service area.

(v) The availability of similar programs within the geographical area to tribes or tribal members.

(vi) The socio-economic conditions that exist within the service area.

(B) CONSULTATION.—The contractor shall consult with tribal governments in establishing and conducting the needs assessment required under subparagraph (A).

(2) ONGOING FEDERAL NEEDS ASSESSMENTS.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, each Federal department or agency, in coordination with the Secretary of the Interior, shall conduct an Indian Needs Assessment (in this Act referred to as the ''INA'') aimed at determining the actual needs of Indian tribes and Indians eligible for programs and services administered by such department or agency.

(B) SUBMISSION TO CONGRESS.—Not later than February 1 of any year in which an INA is required to be conducted under subparagraph (A), a copy of the INA shall be submitted to the Committee on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Appropriations and the Committee on Indian Affairs of the Senate.

(b) FEDERAL AGENCY INDIAN TRIBAL PROGRAM EVALUATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall develop a uniform method and criteria, and uniform procedures for compiling, maintaining, keeping current, and reporting to Congress all information concerning—

(A) the annual expenditures of the department or agency for programs and services for which Indians are eligible, with specific information regarding the names of tribes who are currently participating in or receiving each service, the names of tribes who have applied for and not received programs or services, and the names of tribes whose services or programs have been terminated within the last fiscal year;

(B) services or programs specifically for the benefit of Indians, with specific information regarding the names of tribes who are currently participating in or receiving each service, the names of tribes who have applied for and not received programs or services, and the names of tribes whose services or programs have been terminated within the last fiscal year; and

(C) the department or agency method of delivery of such services and funding, including a detailed explanation of the outreach efforts of each agency or department to Indian tribes.

(2) SUBMISSION TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, each Federal department or agency responsible for providing services or programs to, or for the benefit of, Indian tribes or Indians shall file an Annual Indian Program Evaluation (in this Act referred to as the ''AIPE'') with the Committee on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Appropriations and the Committee on Indian Affairs of the Senate.

(c) ANNUAL LISTING OF TRIBAL ELIGIBLE PROGRAMS.—Not later than February 1 of each calendar year, each Federal department or agency described in subsection (b)(2), shall develop and publish in the Federal Register a list of all programs and services offered by such department or agency for which Indian tribes or their members are or may be eligible, and shall provide a brief explanation of the program or service.

(d) CONFIDENTIALITY.—Any information received, collected, or gathered from Indian tribes concerning program function, operations, or need in order to conduct an INA or an AIPE shall be used only for the purposes of this Act set forth in section 2(b).

SEC. 4. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall develop and submit to the Committee on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Appropriations and the Committee on Indian Affairs of the Senate a report detailing the coordination of Federal program and service assistance for which Indian tribes and their members are eligible.

(b) STRATEGIC PLAN.—Not later than 30 months after the date of enactment of this Act, the Secretary of the Interior, in consultation and coordination with the Indian tribes, shall file a Strategic Plan for the Coordination of Federal Assistance for Indians (in this Act referred to as the ''Strategic Plan'').

(c) CONTENTS OF STRATEGIC PLAN.—The Strategic Plan required under subsection (b) shall contain the following:

(1) Identification of reforms necessary to the laws, regulations, policies, procedures, practices, and systems of the Federal departments or agencies involved.

(2) Proposals for implementing the reforms identified in the Strategic Plan.

(3) Any other recommendations that are consistent with the purposes of this Act set forth in section 2(b).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 2002 and each fiscal year thereafter, such sums as are necessary to carry out this Act.

By Mr. REID (for himself and Mr. ENSIGN):

S. 503. A bill to amend the Safe Water Act to provide grants to small public drinking water systems; to the Committee on Environment and Public Works.

Mr. REID. Mr. President, we have spent a great deal of time, as we should, focusing on President Bush's tax cut. There are some differences that have been noted on numerous occasions. My point is, there are many other issues about which we need to be engaged.

Yesterday in the Environment and Public Works Committee, we did some very good work. We reported a bill out of that committee dealing with brownfields. The Acting President pro tempore, who is presiding, was a cosponsor of that legislation last year. It is very important legislation. It will allow the cleanup of about 450,000 sites that now are blighted sites, most of them in city centers—where there may have been a dry cleaner there before, or there may have been some business—and there may be some toxic substances in the ground.

This legislation will allow the cleanup to go forward. It will allow these places to become productive.

We have already identified, for example, in Nevada, some 30 sites that need to be cleaned up, producing hundreds of jobs and millions and millions of dollars on the tax rolls. We did this. It shows that we can do things on a bipartisan basis.

The subcommittee is run by Senators BOXER and CHAFEE. They work very

well together. There was bipartisan support for this legislation. I am very proud of what the committee did.

I hope, with the schedule that we have, we can have this on the floor, and we can pass this out of here, and send it to the House, within the next month. It is good legislation.

Mr. President, communities in Nevada and nationwide are facing a crisis in their ability to provide clean, affordable drinking water to the public.

Dramatic population growth in some areas of the country has only increased the demand for more drinking water.

At the same time, standards are being adopted by local, State, and Federal governments to assure the safety of drinking water supplies.

Because of this, communities all across the country are facing the need to install, upgrade, and replace their drinking water infrastructure. That is why I and Senator ENSIGN are introducing the Small Community Safe Drinking Water Funding Act.

However, the cost of putting this infrastructure in place is staggeringly high. The Environmental Protection Agency has recently estimated that to meet the Nation's needs, our communities' drinking water infrastructure will require an investment of more than $150 billion over the next 20 years.

While communities of all sizes face the crisis in drinking water infrastructure, the greatest burden is on small communities.

For example, the per-household cost for water infrastructure improvements is almost four times higher for small systems than for large ones.

One reason for this disproportionate impact is that small public drinking water systems are so numerous—representing nearly 95 percent of all systems. It is that way in Nevada and most western states.

In my home State of Nevada, the percentage is even greater. Upwards of 98 percent of public drinking water systems in the Silver State are small systems.

Also, because small communities lack the tax base and economies-of-scale of larger communities, they typically incur much higher per-household costs in upgrading their drinking water infrastructure improvements.

In Nevada alone, small communities will need to invest hundreds of millions of dollars over the next 20 years in drinking water infrastructure.

The dilemma faced by small communities has been highlighted recently by EPA's new drinking water standard for arsenic.

Arsenic is a naturally occurring contaminant that impacts drinking water supplies in Nevada, and other States throughout the west and northeast.

The public health threat posed by arsenic in drinking water is well-established by scientists.

Despite the public health need, many small communities will find it extremely difficult to finance improvements needed to meet the arsenic standard.

This is because EPA estimates that compliance with this standard will increase annual household water costs in communities of less than 10,000 people from between $38 to $327—an increase in water costs roughly 10 times greater than for communities with more than 10,000 people.

In Nevada, we have very few communities of more than 10,000. We have Las Vegas, Reno, Henderson, Sparks, Elko, Carson City. This has a tremendous impact in Nevada.

Due to these costs to small communities, some have called for the standard to be rolled back. In fact, the Bush administration has held up the implementation of the regulation, and is currently considering whether or not to nullify it.

A roll-back of the new arsenic drinking water standard would be a serious mistake.

The old drinking water standard for arsenic had not been revised in over 55 years.

In 1999, the National Academy of Sciences reviewed the scientific data on arsenic and urged EPA to implement a lower, more protective standard as quickly as possible.

The new EPA arsenic standard—the one currently under review by the Bush Administration—was set at the very level as the standard adopted by the World Health Organization almost a decade ago.

Undoing EPA's new arsenic standard would deny millions of American families access to safe drinking water.

Rolling back this standard is simply the wrong way to ensure clean, reliable, and affordable water to all Americans.

The right way to address the new arsenic standard, as well as the crisis this country faces with its drinking water infrastructure, is for the Federal Government to provide a helping hand to communities to meet their drinking water needs.

Take my home State of Nevada for example. The city of Fallon, a small, rural community in the northwest part of the State, has been wrestling with high levels of naturally-occurring arsenic in its public water supply for decades. When I served in the State legislature in the 1960s, this was a problem. It still is.

Despite the difficulties involved in solving its arsenic problem, the city is not asking for a roll-back of EPA's new arsenic standard.

On the contrary, the city very much wants to meet the new standard so that it can provide safe drinking water to its citizens.

What the city needs, in order to accomplish this, is our financial help. It is a national problem, and we should help.

I should add, even though there is naturally occurring arsenic in the water in Fallon, it may have been exacerbated by a Federal project, the first Bureau of Reclamation project in the history of the country, in 1902, when it sent water from the Truckee River into Churchill County. It may have raised the arsenic level higher than it would have been otherwise.

Currently, the primary source of Federal assistance for local drinking water projects is the EPA's Drinking Water State Revolving Loan Fund.

This fund—which I, along with others on the Senate Environment and Public Works Committee, helped add to the Safe Drinking Water Act when it was amended in 1996—has been an overwhelming success.

Since its inception, the Fund has allowed States to provide more than 1,200 low-interest loans totaling over $2.3 billion for upgrading and installing drinking water systems.

However, many small and disadvantaged communities are left out of the State revolving fund program.

Many of these communities do not attempt to participate in the program because they lack the financial resources to meet the terms of loans.

Although we added a provision to the act in 1996 allowing loans to be subsidized for disadvantaged communities, a significant number of States have not taken advantage of it.

Therefore, many small, cash-strapped communities receive little or no financial assistance form the Federal Government, at a time when they are faced with costly improvements to systems like that of Fallon, NV.

Today, I and Senator ENSIGN introduce a bill to address the needs of communities that face the greatest difficulties in ensuring clean drinking water for their residents.

It will ensure that our Nation's small, disadvantaged communities have access to the financial help they need to provide safe, reliable, and affordable drinking water.

This bill, the Small Community Safe Drinking Water Funding Act, accomplishes this goal by establishing a program to provide almost $750 million annually to Indian tribes and States, so they can make grants to public water systems that serve small communities.

I would like to highlight several key aspects of the bill:

First, the Small Community Safe Drinking Water Act provides substantial flexibility to States.

Each State choosing to participate in the grant program will receive an allocation of money from EPA, based on the drinking water infrastructure needs of that State.

The State can then distribute this money as grants according to the State's own prioritization of communities' needs.

Second, the act streamlines the workload associated with a new grant program by taking advantage of procedures already in place through the Drinking Water State Revolving Fund program.

The identification of communities in most need of grant support is coordinated with the annual ''Intended Use Plans'' already required of States by the State revolving fund.

States can also administer grants through the same agencies that currently administer State revolving fund loans.

Third, the drinking water treatment needs of Indian tribes and Alaskan native villages are addressed through a $22.5 million EPA-administered grants program modeled after the one established for States.

This money will be targeted, in the form of grants, to those small communities determined to be in most need of drinking water system improvements.

Finally, the act ensures that small, disadvantaged communities receiving grants have access to technical assistance through non-profit organizations.

These organizations have established relationships with small communities, as well as a solid track record in helping these communities to solve their drinking water problems.

These organizations will be able to assist small communities to plan, implement, and maintain the drinking water projects funded through grants.

Nevada's small communities are facing a drinking water infrastructure crisis.

These communities, and other small communities nationwide, confront increasing demand for clean, reliable, and affordable drinking water.

But it is simply too costly for small communities, alone, to address this water infrastructure crisis.

They need a financial helping hand from the Federal Government.

The bill I and Senator ENSIGN are introducing today will provide this much-needed Federal helping hand.

I urge my colleagues to cosponsor this important legislation and work with us to see that it is swiftly enacted.

By Mr. CAMPBELL (for himself, Mr. INOUYE, and Mr. BINGAMAN):

S. 504. A bill for administrative procedures to extend Federal recognition to certain Indian groups, and for other purposes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, I am pleased to be joined by Senators INOUYE and BINGAMAN in introducing the Indian Tribal Federal Recognition Administrative Procedures Act of 2001. From the first days of the republic, the Congress has acted to recognize the unique legal and political relationship the United States has with the Indian tribes. Reforming the process of Federal recognition is the purpose of the legislation I am introducing today.

Federal recognition is critical to tribal groups because it triggers eligibility for services and benefits provided by the United States because of their status as members of federally recognized Indian tribes.

I want to be clear, I am not advocating for the approval of every petition for recognition, and I am not proposing that the petitions receive a limited or cursory review. I am concerned with the viability of the current recognition process and am interested in seeing fairness, promptness, and finality brought into that process while providing basic assurances to already-recognized tribes regarding their inherent rights.

Federal recognition may be accomplished in two ways: through the enactment of federal legislation; or through the administrative process that occurs, or more accurately does not occur, within the Branch of Acknowledgement and Research, BAR.

Over the years, the length of time the Bureau has taken to process certain petitions and the process for which applications for recognition are considered has increased. At a hearing on similar legislation in 2000, one group testified that its petition has been pending since 1970!

The process in the Department of the Interior is time consuming and costly, although it has improved from its original state. It has frequently been hindered by a lack of staff and resources which are needed to fairly and promptly review all petitions.

The cases on active consideration, including those with proposed findings, have been in the process for anywhere from 2 to 9 years.

As with any decision-making body, fairness and timeliness are the keys to maintaining a credible system which holds the confidence of affected parties. I believe that it is in the interests of all parties to have a clear deadline for the completion of the recognition process.

In 1978, the Department of the Interior promulgated regulations to establish criteria and procedures for the recognition of Indian tribes by the Secretary of Interior.

Since that time tribal groups have filed 250 letters of intent and petitions for review and consideration. Of those, 51 have been resolved, 34 by the BAR.

The remainder are in various stages of consideration by the Department either ready for active status or are already placed on active status.

In the last twenty years, the Committee on Indian Affairs has held several oversight hearings on the Federal recognition process. At those hearings the record clearly showed that the process does not work. At a Committee on Indian Affairs hearing in 1995, the Bureau testified that at the current rate of review and consideration, it would take several decades to eliminate the entire backlog of tribal petitions. The record from numerous previous hearings reveals a clear need for the Congress to address the problems affecting the recognition process.

The bill I am introducing today will go a long way toward resolving the problems which have plagued both the Department of the Interior and tribal petitioners over the years.

This bill, the Indian Tribal Federal Recognition Administrative Procedures Act of 2001, provides the required clarification and changes that will help tribal petitioners and the United States in providing fair and orderly administrative procedures to extend Federal recognition to eligible Indian groups. The principal purpose is to remove the Federal acknowledgment process from the BAR and transfer the responsibility for the process to a temporary and independent Commission on Indian Tribal Recognition.

This bill provides that the Commission will be an independent agency, composed of three members appointed by the President, and authorized to hold hearings, take testimony, and reach final determinations on petitions for recognition.

The bill provides strict but realistic time-lines to guide the Commission in the review and decision-making process. Under the existing process, some petitioners have waited ten years or more for even a cursory review of their petition.

This bill will allow for a cost-effective process for the BIA and the petitioners, it will provide definite timelines for the administrative recognition process, and sunsets the Commission in 12 years.

To ensure fairness, the bill provides for appeals of adverse decisions to the federal district court here in the District of Columbia.

To ensure that the views and comments of all affected parties are considered, the bills directs the Commission to consider evidence and materials submitted by states, local communities, and State attorneys general.

To ensure promptness, the bill authorizes adequate funding for the costs of processing petitions through the Commission.

The bill also provides finality for both the petitioners and the Department by requiring all interested tribal groups to file their petitions with 8 years after the date of enactment and requiring the Commission to complete to work within 12 years from enactment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, and urge my colleagues to join me in enacting this much-needed reform legislation.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 504

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Indian Tribal Federal Recognition Administrative Procedures Act of 2001''.

SEC. 2. PURPOSES.

The purposes of this Act are as follows:

(1) To remove the Federal acknowledgment process from the Bureau of Indian Affairs and transfer the responsibility for the process to an independent Commission on Indian Tribal Recognition.

(2) To establish a Commission on Indian Tribal Recognition to review and act upon documented petitions submitted by Indian groups that apply for Federal recognition.

(3) To establish an administrative procedure under which petitions for Federal recognition filed by Indian groups will be considered.

(4) To provide clear and consistent standards of administrative review of documented petitions for Federal acknowledgment.

(5) To clarify evidentiary standards and expedite the administrative review process by providing adequate resources to process documented petitions.

(6) To ensure that when the Federal Government extends acknowledgment to an Indian tribe, the Federal Government does so with a consistent legal, factual, and historical basis.

(7) To extend to Indian groups that are determined to be Indian tribes the protection, services, and benefits available from the Federal Government pursuant to the Federal trust responsibility with respect to Indian tribes.

(8) To extend to Indian groups that are determined to be Indian tribes the immunities and privileges available to other federally acknowledged Indian tribes by virtue of their status as Indian tribes with a government-to-government relationship with the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) ACKNOWLEDGMENT.—The term ''acknowledgment'' means a determination by the Commission on Indian Tribal Recognition that an Indian group constitutes an Indian tribe with a government-to-government relationship with the United States.

(2) AUTONOMOUS.—

(A) IN GENERAL.—The term ''autonomous'' means the exercise of political influence or authority independent of the control of any other Indian governing entity.

(B) CONTEXT OF TERM.—With respect to a petitioner, the term shall be understood in the context of the history, geography, culture, and social organization of the petitioner.

(3) BUREAU.—The term ''Bureau'' means the Bureau of Indian Affairs of the Department.

(4) COMMISSION.—The term ''Commission'' means the Commission on Indian Tribal Recognition established under section 4.

(5) COMMUNITY.—

(A) IN GENERAL.—The term ''community'' means any group of people, living within a reasonable territory, that is able to demonstrate that—

(i) consistent interactions and significant social relationships exist within the membership; and

(ii) the members of that group are differentiated from and identified as distinct from nonmembers.

(B) CONTEXT OF TERM.—The term shall be understood in the context of the history, culture, and social organization of the group, taking into account the geography of the region in which the group resides.

(6) CONTINUOUS OR CONTINUOUSLY.—With respect to a period of history of a group, the term ''continuous'' or ''continuously'' means extending from 1900 throughout the history of the group to the present substantially without interruption.

(7) DEPARTMENT.—The term ''Department'' means the Department of the Interior.

(8) DOCUMENTED PETITION.—The term ''documented petition'' means the detailed, factual exposition and arguments, including all documentary evidence, necessary to demonstrate that those arguments specifically address the mandatory criteria established in section 5.

(9) HISTORICALLY, HISTORICAL, HISTORY.—The terms ''historically'', ''historical'', and ''history'' refer to the period dating from 1900.

(10) INDIAN GROUP.—The term ''Indian group'' means any Indian band, pueblo, village, or community that is not acknowledged to be an Indian tribe.

(11) INTERESTED PARTIES.—The term ''interested parties'' means any person, organization, or other entity who can establish a legal, factual, or property interest in an acknowledgement determination and who requests an opportunity to submit comments or evidence or to be kept informed of Federal actions regarding a specific petitioner. The term includes the government and attorney general of the State in which a petitioner is located, and may include, but is not limited to, local governmental units, and any recognized Indian tribes and unrecognized Indian groups that might be affected by an acknowledgement determination.

(12) LETTER OF INTENT.—The term ''letter of intent'' means an undocumented letter or resolution that—

(A) is dated and signed by the governing body of an Indian group;

(B) is submitted to the Commission; and

(C) indicates the intent of the Indian group to submit a documented petition for Federal acknowledgment.

(13) PETITIONER.—The term ''petitioner'' means any group that submits a letter of intent to the Commission requesting acknowledgment.

(14) POLITICAL INFLUENCE OR AUTHORITY.—

(A) IN GENERAL.—The term ''political influence or authority'' means a tribal council, leadership, internal process, or other mechanism that a group has used as a means of—

(i) influencing or controlling the behavior of its members in a significant manner;

(ii) making decisions for the group which substantially affect its members; or

(iii) representing the group in dealing with nonmembers in matters of consequence to the group.

(B) CONTEXT OF TERM.—The term shall be understood in the context of the history, culture, and social organization of the group.

(15) RESTORATION.—The term ''restoration'' means the reextension of acknowledgment to any previously acknowledged tribe with respect to which the acknowledged status may have been abrogated or diminished by reason of administrative action by the Executive Branch or legislation enacted by Congress expressly terminating that status.

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

(17) TREATY.—The term ''treaty'' means any treaty—

(A) negotiated and ratified by the United States on or before March 3, 1871, with, or on behalf of, any Indian group or tribe;

(B) made by any government with, or on behalf of, any Indian group or tribe, from which the Federal Government or the colonial government which was the predecessor to the United States Government subsequently acquired territory by purchase, conquest, annexation, or cession; or

(C) negotiated by the United States with, or on behalf of, any Indian group in California, whether or not the treaty was subsequently ratified.

(18) TRIBAL ROLL.—The term ''tribal roll'' means a list exclusively of those individuals who—

(A)(i) have been determined by the tribe to meet the membership requirements of the tribe, as set forth in the governing document of the tribe; or

(ii) in the absence of a governing document that sets forth those requirements, have been recognized as members by the governing body of the tribe; and

(B) have affirmatively demonstrated consent to being listed as members of the tribe.

SEC. 4. COMMISSION ON INDIAN TRIBAL RECOGNITION.

(a) ESTABLISHMENT.—There is established the Commission on Indian Tribal Recognition. The Commission shall be an independent establishment, as defined in section 104 of title 5, United States Code.

(b) MEMBERSHIP.—

(1) IN GENERAL.—

(A) MEMBERS.—The Commission shall consist of 3 members appointed by the President, by and with the advice and consent of the Senate.

(B) INDIVIDUALS TO BE CONSIDERED FOR MEMBERSHIP.—In making appointments to the Commission, the President shall give careful consideration to—

(i) recommendations received from Indian groups and Indian tribes; and

(ii) individuals who have a background or who have demonstrated expertise and experience in Indian law or policy, anthropology, genealogy, or Native American history.

(C) BACKGROUND INFORMATION.—No individual shall be eligible for any appointment to, or continue service on the Commission, who—

(i) has been convicted of a felony; or

(ii) has any financial interest in, or management responsibility for, any Indian group.

(2) POLITICAL AFFILIATION.—Not more than 2 members of the Commission may be members of the same political party.

(3) TERMS.—Each member of the Commission shall be appointed for a term of 6 years.

(4) VACANCIES.—Any vacancy in the Commission shall not affect the powers of the Commission, but shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of the member was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of the term of that member until a successor has taken office.

(5) COMPENSATION.—

(A) IN GENERAL.—Each member of the Commission shall receive compensation at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day, including traveltime, that the member is engaged in the actual performance of duties authorized by the Commission.

(B) TRAVEL.—All members of the Commission shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Commission while away from their homes or regular places of business, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(6) FULL-TIME EMPLOYMENT.—Each member of the Commission shall serve on the Commission as a full-time employee of the Federal Government. No member of the Commission may, while serving on the Commission, be otherwise employed as an officer or employee of the Federal Government. Service by a member who is an employee of the Federal Government at the time of nomination as a member shall be without interruption or loss of civil service status or privilege.

(7) CHAIRPERSON.—At the time appointments are made under paragraph (1), the President shall designate a Chairperson of the Commission (referred to in this section as the ''Chairperson'') from among the appointees.

(c) MEETINGS AND PROCEDURES.—

(1) IN GENERAL.—The Commission shall hold its first meeting not later than 30 days after the date on which all members of the

Commission have been appointed and confirmed by the Senate.

(2) QUORUM.—Two members of the Commission shall constitute a quorum for the transaction of business.

(3) RULES.—The Commission may adopt such rules (consistent with the provisions of this Act) as may be necessary to establish the procedures of the Commission and to govern the manner of operations, organization, and personnel of the Commission.

(4) PRINCIPAL OFFICE.—The principal office of the Commission shall be in the District of Columbia.

(d) DUTIES.—The Commission shall carry out the duties assigned to the Commission by this Act, and shall meet the requirements imposed on the Commission by this Act.

(e) POWERS AND AUTHORITIES.—

(1) POWERS AND AUTHORITIES OF CHAIRPERSON.—Subject to such rules and regulations as may be adopted by the Commission, the Chairperson may—

(A) appoint, terminate, and fix the compensation (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title, or of any other provision of law, relating to the number, classification, and General Schedule rates) of an Executive Director of the Commission and of such other personnel as the Chairperson considers advisable to assist in the performance of the duties of the Commission, at a rate not to exceed a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code; and

(B) procure, as authorized by section 3109(b) of title 5, United States Code, temporary and intermittent services to the same extent as is authorized by law for agencies in the executive branch, but at rates not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(2) GENERAL POWERS AND AUTHORITIES OF COMMISSION.—

(A) IN GENERAL.—The Commission may hold such hearings and sit and act at such times as the Commission considers to be appropriate.

(B) OTHER AUTHORITIES.—As the Commission may consider advisable, the Commission may—

(i) take testimony;

(ii) have printing and binding done;

(iii) enter into contracts and other arrangements, subject to the availability of funds;

(iv) make expenditures; and

(v) take other actions.

(C) OATHS AND AFFIRMATIONS.—Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(3) INFORMATION.—

(A) IN GENERAL.—The Commission may secure directly from any officer, department, agency, establishment, or instrumentality of the Federal Government such information as the Commission may require to carry out this Act. Each such officer, department, agency, establishment, or instrumentality shall furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Commission, upon the request of the Chairperson.

(B) FACILITIES, SERVICES, AND DETAILS.—Upon the request of the Chairperson, to assist the Commission in carrying out the duties of the Commission under this section, the head of any Federal department, agency, or instrumentality may—

(i) make any of the facilities and services of that department, agency, or instrumentality available to the Commission; and

(ii) detail any of the personnel of that department, agency, or instrumentality to the Commission, on a nonreimbursable basis.

(C) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(g) TERMINATION OF COMMISSION.—The Commission shall terminate on the date that is 12 years after the date of the first meeting of the Commission.

(h) APPOINTMENTS.—Notwithstanding any other provision of this Act, the Secretary shall continue to exercise those authorities vested in the Secretary relating to supervision of Indian recognition regulated under part 83 of title 25 of the Code of Federal Regulations until such time as the Commission is organized and prescribes regulations. The Secretary shall provide staff and support assistance to facilitate an orderly transition to regulation of Indian recognition by the Commission.

SEC. 5. DOCUMENTED PETITIONS FOR RECOGNITION.

(a) IN GENERAL.—

(1) LETTERS OF INTENT AND DOCUMENTED PETITIONS.—Subject to subsection (d) and except as provided in paragraph (3), any Indian group may submit to the Commission letters of intent and a documented petition requesting that the Commission recognize the group as an Indian tribe.

(2) HEARING.—

(A) IN GENERAL.—Indian groups that have been denied or refused recognition as an Indian tribe under regulations prescribed by the Secretary shall be entitled to an adjudicatory hearing under section 9 before the Commission, if the Commission determines that the criteria established by this Act changes the merits of the Indian group's documented petition submitted to the Department.

(B) HEARING RECORD.—For purposes of subparagraph (A), the Commission shall review the administrative record containing the documented petition that formed the basis of the determination to the Indian group by the Secretary.

(C) TREATMENT OF SECRETARY'S FINAL DETERMINATION.—For purposes of the adjudicatory hearing, the Secretary's final determination shall be considered a preliminary determination under section 8(b)(1)(B).

(D) OFFICIAL GOVERNMENT ACTIONS TO BE CONSIDERED CONCERNING EVIDENCE OF CRITERIA.—A statement and an analysis of facts submitted under this section may establish that, for any given period of time for which evidence of criteria is lacking, such absence of evidence corresponds in time with official acts of the Federal or relevant State Government which prohibited or penalized the expression of Indian identity. For such periods of time, the absence of evidence shall not be the basis for declining to acknowledge the petitioner.

(3) EXCLUSION.—The following groups and entities shall not be eligible to submit a documented petition for recognition by the Commission under this Act:

(A) CERTAIN ENTITIES THAT ARE ELIGIBLE TO RECEIVE SERVICES FROM THE BUREAU.—Indian tribes, organized bands, pueblos, communities, and Alaska Native entities that are recognized by the Secretary as of the date of enactment of this Act as eligible to receive services from the Bureau.

(B) CERTAIN SPLINTER GROUPS, POLITICAL FACTIONS, AND COMMUNITIES.—Splinter groups, political factions, communities, or groups of any character that separate from the main body of an Indian tribe that, at the time of that separation, is recognized as an Indian tribe by the Secretary, unless the group, faction, or community is able to establish clearly that the group, faction, or community has functioned throughout history until the date of the documented petition as an autonomous Indian tribal entity.

(C) CERTAIN GROUPS THAT HAVE PREVIOUSLY SUBMITTED DOCUMENTED PETITIONS.—Groups, or successors in interest of groups, that before the date of enactment of this Act, have petitioned for and been denied or refused recognition based on the merits of their petition as an Indian tribe under regulations prescribed by the Secretary (other than an Indian group described in paragraph (2)(A)). Nothing in this subparagraph shall be construed as excluding any group that Congress has identified as Indian, but has not identified as an Indian tribe.

(D) INDIAN GROUPS SUBJECT TO TERMINATION.—Any Indian group whose relationship with the Federal Government was expressly terminated by an Act of Congress.

(4) TRANSFER OF DOCUMENTED PETITION.—

(A) IN GENERAL.—Notwithstanding any other provision of law, not later than 30 days after the date on which all of the members of the Commission have been appointed and confirmed by the Senate under section 4(b), the Secretary shall transfer to the Commission all documented petitions and letters of intent pending before the Department that request the Secretary to recognize or acknowledge an Indian group as an Indian tribe.

(B) CESSATION OF CERTAIN AUTHORITIES OF SECRETARY.—Notwithstanding any other provision of law, on the date of the transfer under subparagraph (A), the Secretary and the Department shall cease to have any authority to recognize or acknowledge, on behalf of the Federal Government, any Indian group as an Indian tribe.

(C) DETERMINATION OF ORDER OF SUBMISSION OF TRANSFERRED DOCUMENTED PETITIONS.—Documented petitions transferred to the Commission under subparagraph (A) shall, for purposes of this Act, be considered as having been submitted to the Commission in the same order as those documented petitions were submitted to the Department.

(b) DOCUMENTED PETITION FORM AND CONTENT.—Except as provided in subsection (c), any documented petition submitted under subsection (a) by an Indian group shall be in any readable form that clearly indicates that the documented petition is a documented petition requesting the Commission to recognize the Indian group as an Indian tribe and that contains detailed, specific evidence concerning each of the following items:

(1) STATEMENT OF FACTS.—A statement of facts and an analysis of such facts establishing that the petitioner has been identified as an American Indian entity on a substantially continuous basis since 1900. Evidence that the character of the group as an Indian entity has from time to time been denied shall not be considered to be conclusive evidence that this criterion has not been met. Evidence that the Commission may rely on in determining the Indian identity of a group may include any 1 or more of the following items:

(A) IDENTIFICATION OF PETITIONER.—An identification of the petitioner as an Indian entity by any department, agency, or instrumentality of the Federal Government.

(B) RELATIONSHIP OF PETITIONER WITH STATE GOVERNMENT.—A relationship between the petitioner and any State government, based on an identification of the petitioner as an Indian entity.

(C) RELATIONSHIP OF PETITIONER WITH A POLITICAL SUBDIVISION OF A STATE.—Dealings of the petitioner with a county or political subdivision of a State in a relationship based on the Indian identity of the petitioner.

(D) IDENTIFICATION OF PETITIONER ON THE BASIS OF CERTAIN RECORDS.—An identification of the petitioner as an Indian entity by records in a private or public archive, courthouse, church, or school.

(E) IDENTIFICATION OF PETITIONER BY CERTAIN EXPERTS.—An identification of the petitioner as an Indian entity by an anthropologist, historian, or other scholar.

(F) IDENTIFICATION OF PETITIONER BY CERTAIN MEDIA.—An identification of the petitioner as an Indian entity in a newspaper, book, or similar medium.

(G) IDENTIFICATION OF PETITIONER BY ANOTHER INDIAN TRIBE OR ORGANIZATION.—An identification of the petitioner as an Indian entity by another Indian tribe or by a national, regional, or State Indian organization.

(H) IDENTIFICATION OF PETITIONER BY A FOREIGN GOVERNMENT OR INTERNATIONAL ORGANIZATION.—An identification of the petitioner as an Indian entity by a foreign government or an international organization.

(I) OTHER EVIDENCE OF IDENTIFICATION.—Such other evidence of identification as may be provided by a person or entity other than the petitioner or a member of the membership of the petitioner.

(2) EVIDENCE OF COMMUNITY.—

(A) IN GENERAL.—A statement of facts and an analysis of such facts establishing that a predominant portion of the membership of the petitioner—

(i) comprises a community distinct from those communities surrounding that community; and

(ii) has existed as a community from historical times to the present.

(B) EVIDENCE.—Evidence that the Commission may rely on in determining that the petitioner meets the criteria described in clauses (i) and (ii) of subparagraph (A) may include 1 or more of the following items:

(i) MARRIAGES.—Significant rates of marriage within the group, or, as may be culturally required, patterned out-marriages with other Indian populations.

(ii) SOCIAL RELATIONSHIPS.—Significant social relationships connecting individual members.

(iii) SOCIAL INTERACTION.—Significant rates of informal social interaction which exist broadly among the members of a group.

(iv) SHARED ECONOMIC ACTIVITY.—A significant degree of shared or cooperative labor or other economic activity among the membership.

(v) DISCRIMINATION OR OTHER SOCIAL DISTINCTIONS.—Evidence of strong patterns of discrimination or other social distinctions by nonmembers.

(vi) SHARED RITUAL ACTIVITY.—Shared sacred or secular ritual activity encompassing most of the group.

(vii) CULTURAL PATTERNS.—Cultural patterns that—

(I) are shared among a significant portion of the group that are different from the cultural patterns of the non-Indian populations with whom the group interacts;

(II) function as more than a symbolic identification of the group as Indian; and

(III) may include language, kinship, or religious organizations, or religious beliefs and practices.

(viii) COLLECTIVE INDIAN IDENTITY.—The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.

(ix) HISTORICAL POLITICAL INFLUENCE.—A demonstration of historical political influence pursuant to the criteria set forth in paragraph (3).

(x) EXTENDED KINSHIP TIES.—Not less than 50 percent of the tribal members exhibit collateral kinship ties through generations to the third degree.

(C) CRITERIA FOR SUFFICIENT EVIDENCE.—The Commission shall consider the petitioner to have provided sufficient evidence of community at a given point in time if the petitioner has provided evidence that demonstrates any one of the following:

(i) RESIDENCE OF MEMBERS.—More than 50 percent of the members of the group of the petitioner reside in a particular geographical area exclusively or almost exclusively composed of members of the group, and the balance of the group maintains consistent social interaction with some members of the community.

(ii) MARRIAGES.—Not less than ⅓ of the marriages of the group are between members of the group.

(iii) DISTINCT CULTURAL PATTERNS.—Not less than 50 percent of the members of the group maintain distinct cultural patterns including language, kinship, or religious organizations, or religious beliefs or practices.

(iv) COMMUNITY SOCIAL INSTITUTIONS.—Distinct community social institutions encompassing 50 percent of the members of the group, such as kinship organizations, formal or informal economic cooperation, or religious organizations.

(v) APPLICABILITY OF CRITERIA.—The group has met the criterion in paragraph (3) using evidence described in paragraph (3)(B).

(3) AUTONOMOUS ENTITY.—

(A) IN GENERAL.—A statement of facts and an analysis of such facts establishing that the petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the time of the documented petition. The Commission may rely on 1 or more of the following items in determining whether a petitioner meets the criterion described in the preceding sentence:

(i) MOBILIZATION OF MEMBERS.—The group is capable of mobilizing significant numbers of members and significant resources from its members for group purposes.

(ii) ISSUES OF PERSONAL IMPORTANCE.—Most of the membership of the group consider issues acted upon or taken by group leaders or governing bodies to be of personal importance.

(iii) POLITICAL PROCESS.—There is widespread knowledge, communication, and involvement in political processes by most of the members of the group.

(iv) LEVEL OF APPLICATION OF CRITERIA.—The group meets the criterion described in paragraph (2) at more than a minimal level.

(v) INTRAGROUP CONFLICTS.—There are intragroup conflicts which show controversy over valued group goals, properties, policies, processes, or decisions.

(vi) CONTINUOUS LINE OF GROUP LEADERS.—A continuous line of group leaders with a description of the means of selection or acquiescence by a majority of the group's members.

(B) EVIDENCE OF EXERCISE OF POLITICAL INFLUENCE OR AUTHORITY.—The Commission shall consider that a petitioner has provided sufficient evidence to demonstrate the exercise of political influence or authority at a given point in time by demonstrating that group leaders or other mechanisms exist or have existed that accomplish the following:

(i) ALLOCATION OF GROUP RESOURCES.—Allocate group resources such as land, residence rights, or similar resources on a consistent basis.

(ii) SETTLEMENT OF DISPUTES.—Settle disputes between members or subgroups such as clans or lineages by mediation or other means on a regular basis.

(iii) INFLUENCE ON BEHAVIOR OF INDIVIDUAL MEMBERS.—Exert strong influence on the behavior of individual members, such as the establishment or maintenance of norms and the enforcement of sanctions to direct or control behavior.

(iv) ECONOMIC SUBSISTENCE ACTIVITIES.—Organize or influence economic subsistence activities among the members, including shared or cooperative labor.

(C) TEMPORALITY OF SUFFICIENCY OF EVIDENCE.—A group that has met the requirements of paragraph (2)(C) at any point in time shall be considered to have provided sufficient evidence to meet the criterion described in subparagraph (A) at that point in time.

(4) GOVERNING DOCUMENT.—A copy of the then present governing document of the petitioner that includes the membership criteria of the petitioner. In the absence of a written document, the petitioner shall be required to provide a statement describing in full the membership criteria of the petitioner and the then current governing procedures of the petitioner.

(5) LIST OF MEMBERS.—

(A) IN GENERAL.—A list of all then current members of the petitioner, including the full name (and maiden name, if any), date, and place of birth, and then current residential address of each member, a copy of each available former list of members based on the criteria defined by the petitioner, and a statement describing the methods used in preparing those lists.

(B) REQUIREMENTS FOR MEMBERSHIP.—In order for the Commission to consider the members of the group to be members of an Indian tribe for the purposes of the documented petition, that membership shall be required to consist of established descendancy from an Indian group that existed historically, or from historical Indian groups that combined and functioned as a single autonomous entity.

(C) EVIDENCE OF TRIBAL MEMBERSHIP.—Evidence of tribal membership required by the Commission for a determination of tribal membership shall include the following items:

(i) DESCENDANCY ROLLS.—Descendancy rolls prepared by the Secretary for the petitioner for purposes of distributing claims money, providing allotments, or other purposes.

(ii) CERTAIN OFFICIAL RECORDS.—Federal, State, or other official records or evidence identifying then present members of the petitioner, or ancestors of then present members of the petitioner, as being descendants of a historic tribe or historic tribes that combined and functioned as a single autonomous political entity.

(iii) ENROLLMENT RECORDS.—Church, school, and other similar enrollment records identifying then present members or ancestors of then present members as being descendants of a historic tribe or historic tribes that combined and functioned as a single autonomous political entity.

(iv) AFFIDAVITS OF RECOGNITION.—Affidavits of recognition by tribal elders, leaders, or the tribal governing body identifying then present members or ancestors of then present members as being descendants of 1 or more historic tribes that combined and functioned as a single autonomous political entity.

(v) OTHER RECORDS OR EVIDENCE.—Other records or evidence based upon firsthand experience of historians, anthropologists, and genealogists with established expertise on the petitioner or Indian entities in general,

identifying then present members or ancestors of then present members as being descendants of 1 or more historic tribes that combined and functioned as a single autonomous political entity.

(c) EXCEPTIONS.—A documented petition from an Indian group that is able to demonstrate by a preponderance of the evidence that the group was, or is the successor in interest to, a—

(1) party to a treaty or treaties;

(2) group acknowledged by any agency of the Federal Government as eligible to participate under the Act of June 18, 1934 (commonly referred to as the ''Indian Reorganization Act'') (48 Stat. 984 et seq., chapter 576; 25 U.S.C. 461 et seq.);

(3) group for the benefit of which the United States took into trust lands, or which the Federal Government has treated as having collective rights in tribal lands or funds; or

(4) group that has been denominated a tribe by an Act of Congress or Executive order,

shall be required to establish the criteria set forth in this section only with respect to the period beginning on the date of the applicable action described in paragraph (1), (2), (3), or (4) and ending on the date of submission of the documented petition.

(d) DEADLINE FOR SUBMISSION.—

(1) DOCUMENTED PETITIONS.—No Indian group may submit a documented petition to the Commission after 8 years after the date of the first meeting of the Commission.

(2) LETTERS OF INTENT.—In the case of a letter of intent, the Commission shall publish in the Federal Register a notice of such receipt, including the name, location, and mailing address of the petitioner. A petitioner who has submitted a letter of intent or had a letter of intent transferred to the Commission under section 5 shall be required to submit a documented petition within 3 years after the date of the first meeting of the Commission to the Commission. No letters of intent will be accepted by the Commission after 3 years after the date of the first meeting of the Commission.

SEC. 6. NOTICE OF RECEIPT OF DOCUMENTED PETITION.

(a) PETITIONER.—

(1) IN GENERAL.—Not later than 30 days after a documented petition is submitted or transferred to the Commission under section 5(a), the Commission shall—

(A) send an acknowledgement of receipt in writing to the petitioner; and

(B) publish in the Federal Register a notice of that receipt, including the name, location, and mailing address of the petitioner and such other information that—

(i) identifies the entity that submitted the documented petition and the date the documented petition was received by the Commission;

(ii) indicates where a copy of the documented petition may be examined; and

(iii) indicates whether the documented petition is a transferred documented petition that is subject to the special provisions under paragraph (2).

(2) SPECIAL PROVISIONS FOR TRANSFERRED DOCUMENTED PETITIONS.—

(A) IN GENERAL.—With respect to a documented petition that is transferred to the Commission under section 5(a)(4), the notice provided to the petitioner, shall, in addition to providing the information specified in paragraph (1), inform the petitioner whether the documented petition constitutes a documented petition that meets the requirements of section 5.

(B) AMENDED PETITIONS.—If the petition described in subparagraph (A) is not a documented petition, the Commission shall notify the petitioner that the petitioner may, not later than 120 days after the date of the notice, submit to the Commission an amended petition that is a documented petition for review under section 7.

(C) EFFECT OF AMENDED PETITION.—To the extent practicable, the submission of an amended petition by a petitioner by the date specified in this paragraph shall not affect the order of consideration of the petition by the Commission.

(b) OTHERS.—In addition to providing the notification required under subsection (a), the Commission shall notify, in writing, the Governor and attorney general of, and each federally recognized Indian tribe within, any State in which a petitioner resides.

(c) PUBLICATION; OPPORTUNITY FOR SUPPORTING OR OPPOSING SUBMISSIONS.—

(1) PUBLICATION.—The Commission shall publish the notice of receipt of each documented petition (including any amended petition submitted pursuant to subsection (a)(2)) in a major newspaper of general circulation in the town or city located nearest the location of the petitioner.

(2) OPPORTUNITY FOR SUPPORTING OR OPPOSING SUBMISSIONS.—

(A) IN GENERAL.—Each notice published under paragraph (1) shall include, in addition to the information described in subsection (a), notice of opportunity for other parties involved with the petitioners to submit factual or legal arguments in support of, or in opposition to, the documented petition.

(B) COPY TO PETITIONER.—A copy of any submission made under subparagraph (A) shall be provided to the petitioner within 90 days upon receipt by the Commission.

(C) RESPONSE.—The petitioner shall be provided an opportunity to respond within 90 days to any submission made under subparagraph (A) before a determination on the documented petition by the Commission.

SEC. 7. PROCESSING THE DOCUMENTED PETITION.

(a) REVIEW.—

(1) IN GENERAL.—Upon receipt of a documented petition submitted or transferred under section 5(a) or submitted under section 6(a)(2)(B), the Commission shall conduct a review to determine whether the petitioner is entitled to be recognized as an Indian tribe.

(2) CONTENT OF REVIEW.—The review conducted under paragraph (1) shall include consideration of the documented petition, supporting evidence, and the factual statements contained in the documented petition.

(3) OTHER RESEARCH.—In conducting a review under this subsection, the Commission may—

(A) initiate other research for any purpose relative to analyzing the documented petition and obtaining additional information about the status of the petitioner; and

(B) consider such evidence as may be submitted by interested parties.

(4) ACCESS TO LIBRARY OF CONGRESS AND NATIONAL ARCHIVES.—Upon request by the petitioner, the appropriate officials of the Library of Congress and the National Archives shall allow access by the petitioner to the resources, records, and documents of those entities, for the purpose of conducting research and preparing evidence concerning the status of the petitioner.

(b) CONSIDERATION.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, documented petitions submitted or transferred to the Commission shall be considered on a first come, first served basis, determined by the date of the original filing of each such documented petition with the Commission (or the Department if the documented petition is transferred to the Commission pursuant to section 5(a)(4) or is an amended petition submitted pursuant to section 6(a)(2)(B)). The Commission shall establish a priority register that includes documented petitions that are pending before the Department as of the date of the first meeting of the Commission.

(2) PRIORITY CONSIDERATION.—Each documented petition (that is submitted or transferred to the Commission pursuant to section 5(a) or that is submitted to the Commission pursuant to section 6(a)(2)(B)) of an Indian group that meets 1 or more of the requirements set forth in section 5(c) shall receive priority consideration over a documented petition submitted by any other Indian group.

SEC. 8. PRELIMINARY HEARING.

(a) IN GENERAL.—Not later than 60 days after the receipt of a documented petition by the Commission submitted or transferred under section 5(a) or submitted to the Commission pursuant to section 6(a)(2)(B), the Commission shall set a date for a preliminary hearing, which shall in no instance be held later than 180 days after receipt of the documented petition. At the preliminary hearing, the petitioner and any other interested party may provide evidence concerning the status of the petitioner.

(b) DETERMINATION.—

(1) IN GENERAL.—Not later than 30 days after the conclusion of a preliminary hearing under subsection (a), the Commission shall make a determination—

(A) to extend Federal acknowledgment of the petitioner as an Indian tribe to the petitioner; or

(B) that the petitioner should proceed to an adjudicatory hearing.

(2) NOTICE OF DETERMINATION.—The Commission shall publish in the Federal Register a notice of each determination made under paragraph (1).

(c) INFORMATION TO BE PROVIDED PREPARATORY TO AN ADJUDICATORY HEARING.—

(1) IN GENERAL.—If the Commission makes a determination under subsection (b)(1)(B) that the petitioner should proceed to an adjudicatory hearing, the Commission shall—

(A)(i) not later than 30 days after the date of such determination, make available appropriate evidentiary records of the Commission to the petitioner to assist the petitioner in preparing for the adjudicatory hearing; and

(ii) include such guidance as the Commission considers necessary or appropriate to assist the petitioner in preparing for the hearing; and

(B) not later than 30 days after the conclusion of the preliminary hearing under subsection (a), provide a written notification to the petitioner that includes a list of any deficiencies or omissions that the Commission relied on in making a determination under subsection (b)(1)(B).

(2) SUBJECT OF ADJUDICATORY HEARING.—The list of deficiencies and omissions provided by the Commission to a petitioner under paragraph (1)(B) shall be the subject of the adjudicatory hearing. The Commission may not make any additions to the list after the Commission issues the list.

SEC. 9. ADJUDICATORY HEARING.

(a) IN GENERAL.—Not later than 180 days after the conclusion of a preliminary hearing under section 8(a), the Commission shall afford a petitioner who is subject to section 8(b)(1)(B) an adjudicatory hearing. The subject of the adjudicatory hearing shall be the list of deficiencies and omissions provided under section 8(c)(1)(B) and shall be conducted pursuant to sections 554, 556, and 557 of title 5, United States Code.

(b) TESTIMONY FROM STAFF OF COMMISSION.—In any hearing held under subsection (a), the Commission shall require testimony from the acknowledgement and research

staff of the Commission or other witnesses involved in the preliminary determination. Any such testimony shall be subject to cross-examination by the petitioner.

(c) EVIDENCE BY PETITIONER.—In any hearing held under subsection (a), the petitioner may provide such evidence as the petitioner considers appropriate.

(d) DETERMINATION BY COMMISSION.—Not later than 60 days after the conclusion of any hearing held under subsection (a), the Commission shall—

(1) make a determination concerning the extension or denial of Federal acknowledgment of the petitioner as an Indian tribe to the petitioner;

(2) publish the determination of the Commission under paragraph (1) in the Federal Register; and

(3) deliver a copy of the determination to the petitioner, and to every other interested party.

SEC. 10. APPEALS.

(a) IN GENERAL.—Not later than 60 days after the date that the Commission publishes a determination under section 9(d), the petitioner may appeal the determination to the United States District Court for the District of Columbia.

(b) ATTORNEY FEES.—If the petitioner prevails in an appeal made under subsection (a), the petitioner shall be eligible for an award of reasonable attorney fees and costs under section 504 of title 5, United States Code, or section 2412 of title 28, United States Code, whichever is applicable.

SEC. 11. EFFECT OF DETERMINATIONS.

A determination by the Commission under section 9(d) that an Indian group is recognized by the Federal Government as an Indian tribe shall not have the effect of depriving or diminishing—

(1) the right of any other Indian tribe to govern the reservation of such other tribe as that reservation existed before the recognition of that Indian group, or as that reservation may exist thereafter;

(2) any property right held in trust or recognized by the United States for that other Indian tribe as that property existed before the recognition of that Indian group; or

(3) any previously or independently existing claim by a petitioner to any such property right held in trust by the United States for that other Indian tribe before the recognition by the Federal Government of that Indian group as an Indian tribe.

SEC. 12. IMPLEMENTATION OF DECISIONS.

(a) ELIGIBILITY FOR SERVICES AND BENEFITS.—

(1) IN GENERAL.—Subject to paragraph (2), upon recognition by the Commission of a petitioner as an Indian tribe under this Act, the Indian tribe shall—

(A) be eligible for the services and benefits from the Federal Government that are available to other federally recognized Indian tribes by virtue of their status as Indian tribes with a government-to-government relationship with the United States; and

(B) have the responsibilities, obligations, privileges, and immunities of those Indian tribes.

(2) PROGRAMS OF THE BUREAU.—

(A) IN GENERAL.—The recognition of an Indian group as an Indian tribe by the Commission under this Act shall not create an immediate entitlement to programs of the Bureau in existence on the date of the recognition.

(B) AVAILABILITY OF PROGRAMS.—

(i) IN GENERAL.—The programs described in subparagraph (A) shall become available to the Indian tribe upon the appropriation of funds.

(ii) REQUESTS FOR APPROPRIATIONS.—The Secretary and the Secretary of Health and Human Services shall forward budget requests for funding the programs for the Indian tribe pursuant to the needs determination procedures established under subsection (b).

(b) NEEDS DETERMINATION AND BUDGET REQUEST.—

(1) IN GENERAL.—Not later than 180 days after an Indian group is recognized by the Commission as an Indian tribe under this Act, the appropriate officials of the Bureau and the Indian Health Service of the Department of Health and Human Services shall consult and develop in cooperation with the Indian tribe, and forward to the Secretary or the Secretary of Health and Human Services, as appropriate, a determination of the needs of the Indian tribe and a recommended budget required to serve the newly recognized Indian tribe.

(2) SUBMISSION OF BUDGET REQUEST.—Upon receipt of the information described in paragraph (1), the appropriate Secretary shall submit to the President a recommended budget along with recommendations, concerning the information received under paragraph (1), for inclusion in the annual budget submitted by the President to the Congress pursuant to section 1108 of title 31, United States Code.

SEC. 13. ANNUAL REPORT CONCERNING COMMISSION'S ACTIVITIES.

(a) LIST OF RECOGNIZED TRIBES.—Not later than 90 days after the first meeting of the Commission, and annually on or before each January 30 thereafter, the Commission shall publish in the Federal Register a list of all Indian tribes that—

(1) are recognized by the Federal Government; and

(2) receive services from the Bureau.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—Beginning on the date that is 1 year after the date of the first meeting of the Commission, and annually thereafter, the Commission shall prepare and submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives that describes the activities of the Commission.

(2) CONTENT OF REPORTS.—Each report submitted under this subsection shall include, at a minimum, for the year that is the subject of the report—

(A) the number of documented petitions pending at the beginning of the year and the names of the petitioners;

(B) the number of documented petitions received during the year and the names of the petitioners;

(C) the number of documented petitions the Commission approved for acknowledgment during the year and the names of the acknowledged petitioners;

(D) the number of documented petitions the Commission denied for acknowledgment during the year and the names of the petitioners; and

(E) the status of all pending documented petitions on the date of the report and the names of the petitioners.

SEC. 14. ACTIONS BY PETITIONERS FOR ENFORCEMENT.

Any petitioner may bring an action in the district court of the United States for the district in which the petitioner resides, or the United States District Court for the District of Columbia, to enforce the provisions of this Act, including any time limitations within which actions are required to be taken, or decisions made, under this Act. The district court shall issue such orders (including writs of mandamus) as may be necessary to enforce the provisions of this Act.

SEC. 15. REGULATIONS.

The Commission may, in accordance with applicable requirements of title 5, United States Code, promulgate and publish such regulations as may be necessary to carry out this Act.

SEC. 16. GUIDELINES AND ADVICE.

(a) GUIDELINES.—Not later than 90 days after the date of the first meeting of the Commission, the Commission shall make available to Indian groups suggested guidelines for the format of documented petitions, including general suggestions and guidelines concerning where and how to research information that is required to be included in a documented petition. The examples included in the guidelines shall not preclude the use of any other appropriate format.

(b) RESEARCH ADVICE.—The Commission may, upon request, provide suggestions and advice to any petitioner with respect to the research of the petitioner concerning the historical background and Indian identity of that petitioner. The Commission shall not be responsible for conducting research on behalf of the petitioner.

SEC. 17. ASSISTANCE TO PETITIONERS.

(a) GRANTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services may award grants to Indian groups seeking Federal recognition as Indian tribes to enable the Indian groups to—

(A) conduct the research necessary to substantiate documented petitions under this Act; and

(B) prepare documentation necessary for the submission of a documented petition under this Act.

(2) TREATMENT OF GRANTS.—The grants made under this subsection shall be in addition to any other grants the Secretary of Health and Human Services is authorized to provide under any other provision of law.

(b) COMPETITIVE AWARD.—The grants made under subsection (a) shall be awarded competitively on the basis of objective criteria prescribed in regulations promulgated by the Secretary of Health and Human Services.

SEC. 18. PROTECTION OF CERTAIN PRIVILEGED INFORMATION.

Notwithstanding any other provision of law, upon the effective date of this Act, when responding to any requests for information on petitions and related materials filed by a group seeking Federal recognition as an Indian tribe pursuant to part 83 of title 25 of the Code of Federal Regulations, including petitions and related materials transferred to the Commission from the Department under section 5(a)(4), as well as related materials located within the Department that have yet to be transferred to the Commission, the Department and the Commission shall exclude materials identified by the petitioning group as information related to religious practices or sacred sites, and which the group is forbidden to disclose except for the limited purpose of Department and Commission review.

SEC. 19. AUTHORIZATION OF APPROPRIATIONS.

(a) COMMISSION.—There are authorized to be appropriated to the Commission to carry out this Act (other than section 17) such sums as are necessary for each of fiscal years 2002 through 2014.

(b) SECRETARY OF HHS.—There are authorized to be appropriated to the Secretary of Health and Human Services to carry out section 17 such sums as are necessary for each of fiscal years 2002 through 2014.

By Mrs. FEINSTEIN (for herself, Mr. SCHUMER, and Mr. KENNEDY):

S. 505. A bill to amend the Internal Revenue Code of 1986 to regulate certain .50 caliber sniper weapons in the same manner as machine guns and

other firearms, and for other purposes; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise on behalf of myself, Senator SCHUMER, and Senator KENNEDY to re-introduce the Military Sniper Weapon Regulation Act. This bill, which I first introduced with Senator Lautenberg in 1999, will reclassify powerful .50 caliber military sniper rifles under the National Firearms Act, thus making it much more difficult for terrorists, doomsday cults, and criminals to obtain these guns for illegitimate use. It is my sincere hope that in this new, 50–50 Senate, we can finally make some progress on this bill and limit the use of these powerful guns.

Fifty caliber sniper rifles, manufactured by a small handful of companies and individuals, are deadly, military style assault weapons, designed for armed combat with wartime enemies. They weigh up to 28 pounds and are capable of piercing light armor at more than 4 miles. The guns enable a single shooter to destroy enemy jeeps, tanks, personnel carriers, bunkers, fuel stations, and even communication centers. As a result, their use by military organizations worldwide has been spreading rapidly.

But along with the increasing military use of the gun, we have also seen increased use of the weapon by violent criminals and terrorists around the world. The weapons are deadly accurate up to 2,000 yards. This means that a shooter using a 50 caliber weapon can reliably hit a target more than a mile away. In fact, according to a training manual for military and police snipers published in 1993, a bullet from this gun ''even at one and a half miles crashes into a target with more energy than Dirty Harry's famous .44 magnum at point-blank'' range.

And the gun is ''effective'' up to 7,500 yards. In other words, although it may be hard to aim at that distance, the gun will have its desired destructive effect at that distance—more than 4 miles from the target.

The weapon can penetrate several inches of steel, concrete, or even light armor. In fact, many ranges used for target practice do not even have enough safety features to accommodate these guns, it is just too powerful.

Recent advances in weapons technology allow this gun to be used by civilians against armored limousines, bunkers, individuals, and even aircraft, in fact, one advertisement for the gun apparently promoted the weapon as able to ''wreck several million dollars' worth of jet aircraft with one or two dollars' worth of cartridge.''

This gun is so powerful that one dealer told undercover GAO investigators ''You'd better buy one soon. It's only a matter of time before someone lets go a round on a range that travels so far, it hits a school bus full of kids. The government will definitely ban .50 calibers. This gun is just too powerful.''

When I first introduced this bill, I commented that a study by the General Accounting Office revealed some eye-opening facts about how and where this gun is used, and how easily it is obtained. The GAO reports that many of these guns wind up in the hands of domestic and international terrorists, religious cults, outlaw motorcycle gangs, drug traffickers, and violent criminals.

One doomsday cult headquartered in Montana purchased 10 of these guns and stockpiled them in an underground bunker, along with thousands of rounds of ammunition and other guns. At least one .50 caliber gun was recovered by Mexican authorities after a shoot-out with an international drug cartel in that country. The gun was originally purchased in Wyoming, so it is clear that the guns are making their way into the hands of criminals worldwide.

Another .50 caliber sniper rifle, smuggled out of the United States, was used by the Irish Republican Army to kill a large number of British soldiers.

And ammunition for these guns is also readily available, even over the Internet. Bullets for these guns include ''armor piercing incendiary'' ammunition that explodes on impact, and even ''armor piercing tracing'' ammunition reminiscent of the ammunition that lit up the skies over Baghdad during the Persian Gulf war.

Several ammunition dealers were willing to sell armor piercing ammunition to an undercover GAO investigator even after the investigator said he wanted the ammunition to pierce an armored limousine or maybe to ''take down'' a helicopter. In fact, our own military helps to provide thousands of rounds of .50 caliber ammunition, by essentially giving away tons of spent cartridges, many of which are then refurbished and sold on the civilian market.

This bill will begin the process of making these guns harder to get and easier to track.

Current law classifies .50 caliber guns as ''long guns,'' subject to the least government regulation for any firearm. Sawed-off shotguns, machine guns, and even handguns are more highly regulated than this military sniper rifle. In fact, many states allow possession of .50 caliber guns by those as young as 14 years old, and there is no regulation on second-hand sales.

Essentially, this bill would re-classify .50 caliber guns under the National Firearms Act, which imposes far stricter standards on powerful and destruction weapons. For instance:

NFA guns may only be purchased from a licensed dealer, and not second-hand. This will prevent the sale of these guns at gun shows and in other venues that make it hard for law enforcement to track the weapons.

Second, purchasers of NFA guns must fill out license transfer applications and provide fingerprints to be processed by the FBI in detailed criminal background checks. By reclassifying the .50 caliber, Congress will be making a determination that sellers should be more careful about to whom they give these powerful, military guns.

ATF reports that this background check process takes about 60 days, so prospective gun buyers will face some delay. However, legitimate purchasers of this $7,000 gun can certainly wait that long.

Clearly, placing a few more restrictions on who can get these guns and how is simply common sense. This bill will not ban the sale, use or possession of .50 caliber weapons. The .50 caliber shooting club will not face extinction, and ''legitimate'' purchasers of these guns will not lose their access—even though that, too, might be a reasonable step, since I cannot imagine a legitimate use of this gun.

The bill will simply place stricter requirements on the way in which these guns can be sold, and to whom. The measure is meant to offer a reasoned solution to making it harder for terrorists, assassins, and other criminals to obtain these powerful weapons. If we are to continue to allow private citizens to own and use guns of this caliber, range, and destructive power, we should at the very least take greater care in making sure that these guns do not fall into the wrong hands.

I urge my colleagues to support this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 505

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Military Sniper Weapon Regulation Act of 2001''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) certain firearms originally designed and built for use as long-range 50 caliber military sniper weapons are increasingly sold in the domestic civilian market;

(2) the intended use of these long-range firearms, and an increasing number of models derived directly from them, is the taking of human life and the destruction of materiel, including armored vehicles and such components of the national critical infrastructure as radars and microwave transmission devices;

(3) these firearms are neither designed nor used in any significant number for legitimate sporting or hunting purposes and are clearly distinguishable from rifles intended for sporting and hunting use;

(4) extraordinarily destructive ammunition for these weapons, including armor-piercing and armor-piercing incendiary ammunition, is freely sold in interstate commerce; and

(5) the virtually unrestricted availability of these firearms and ammunition, given the uses intended in their design and manufacture, present a serious and substantial threat to the national security.

SEC. 3. COVERAGE OF 50 CALIBER SNIPER WEAPONS UNDER NATIONAL FIREARMS ACT.

(a) IN GENERAL.—Section 5845(a) of the Internal Revenue Code of 1986 (defining firearm) is amended by striking ''(6) a machine

gun; (7) any silencer (as defined in section 921 of title 18, United States Code); and (8) a destructive device.'' and inserting ''(6) a 50 caliber sniper weapon; (7) a machine gun; (8) any silencer (as defined in section 921 of title 18, United States Code); and (9) a destructive device.''

(b) 50 CALIBER SNIPER WEAPON.—

(1) IN GENERAL.—Section 5845 of the Internal Revenue Code of 1986 is amended by redesignating subsections (d) through (m) as subsections (e) through (n), respectively, and by inserting after subsection (c) the following new subsection:

''(d) 50 CALIBER SNIPER WEAPON.—The term '50 caliber sniper weapon' means a rifle capable of firing a center-fire cartridge in 50 caliber, .50 BMG caliber, any other variant of 50 caliber, or any metric equivalent of such calibers.''

(2) MODIFICATION TO DEFINITION OF RIFLE.—Subsection (c) of section 5845 of such Code is amended by inserting ''or from a bipod or other support'' after ''shoulder''.

(3) CONFORMING AMENDMENT.—Section 5811(a) of such Code is amended by striking ''section 5845(e)'' and inserting ''section 5845(f)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

By Mr. MURKOWSKI:

S. 506. A bill to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Huna Totem Corporation, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MURKOWSKI. Mr. President, I rise to introduce legislation today on behalf of the Huna Totem Corporation and the residents of Hoonah, Alaska.

This bill would require the Huna Totem Corporation to convey ownership of approximately 1,999 acres of land to the United States Forest Service. In exchange for these lands the Huna Totem Corporation will be allowed to select other lands readily accessible to Hoonah in order to fulfill their ANCSA entitlement. This legislation also requires the exchange of lands to be of equal value and provides for additional compensation if needed. Lastly, the legislation requires that any potential timber harvested from land acquired by Huna Totem Corporation not be available for export.

The city of Hoonah is located in Southeast Alaska on the northeast part of Chichagoff Island. Hoonah has been the home of the Huna people since the last advance of the great ice masses into Glacier Bay, forcing the Huna people to look for new homes. Since the Huna people had traditionally used the Hoonah area each summer as a subsistence harvesting area, it was natural for them to settle in the area now called Hoonah. The community has a population of approximately 918 residents and is located forty miles from Juneau; Alaska's capital city.

Within the city of Hoonah is located the Huna Totem Corporation, an Alaska Native Corporation formed pursuant to the Alaska Native Claims Settlement Act, ANCSA. Huna Totem is the largest Tlingit Indian Village Corporation in Southeast Alaska. Under the terms of ANCSA each village corporation had to select lands within the core township or townships in which all or part of the Native village is located.

In 1975, Huna Totem filed its ANCSA land selections within the two mile radius of the city of Hoonah as mandated by ANCSA. Since the community of Hoonah is located along the shoreline at the base of Hoonah Head Mountain, the surrounding lands are steep hillsides, cliffs, or are designated watershed for the municipal water sources. Most of the acres, approximately 1,999, of this land are not suitable for economic purposes due to the topography and watershed limitations.

Therefore in order for the Huna Totem Corporation to receive full economic benefit of the lands promised to them under ANCSA, and for the city of Hoonah to protect its watershed, alternative lands must be sought for Huna Totem to seek revenue from.

The legislation I am offering today would achieve these goals. By authorizing a land exchange between the Huna Totem Corporation and the U.S. Forest Service the residents of Hoonah will be able to fully recognize the benefits promised under the Alaska Native Claims Settlement Act.

By Mr. MURKOWSKI:

S. 509. A bill to establish the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MURKOWSKI. Mr. President, I rise today to introduce a bill to establish the Kenai Mountains-Turnagain Arm National Heritage Corridor in my State of Alaska.

The national heritage corridor, when enacted, will include the first leg of the Iditarod National Historic Trail and most of the Seward Highway National Scenic Byway. National heritage designation will give us the ability to tell the American public about the critical role that this transportation corridor played in shaping the traditions and values of the residents of south-central Alaska. From native trade-routes to shipping ports, from trails to railroads and later highways, these are the themes of our national heritage and the settling of the North.

This would be the first among the 16 existing national heritage areas that highlights the experience of settling the northern frontier. The fact that it would be one of a kind strengthens the case for designation.

Unlike any of the existing national heritage areas, the Kenai Mountains-Turnagain Arm National Heritage Corridor will highlight the experience of the northern frontier—of transportation and settlement in a harsh landscape, of the gold rush and resource development in a remote area. These are the themes of the proposal, themes that form our perception of ourselves as a nation. The proposed heritage corridor wonderfully expresses these themes.

Within the proposed heritage corridor there are a number of small historic communities that developed around transportation and the gold rush. Dwarfed by the sweeping landscapes around them, these small communities are today still tied to cycles of nature: summer runs of salmon, the fall migration of wildlife, the deep snows of winter, and the rush of springtime melt. National heritage designation is about the relationship that people develop with their surroundings. This relationship remains intact in the proposed corridor and has had a lasting impact on the values of the residents who live there today.

Turnagain Arm, once a critical transportation link, has the world's second largest tidal range. Visitors can stand along the shore lines and actually watch 30 foot tides move in and out of the arm. On occasion, the low roar of an oncoming bore tide can be heard as a wall of water sweeps up the Turnagain.

A traveler through the alpine valleys and mountain passes of the heritage corridor can witness a landscape shaped by powerful geologic forces: retreating glaciers, earthquake subsidence, and avalanche scars. The area is home to variety of wildlife: Dall sheep, Beluga whales, moose, bald eagles, trumpeter swans, and Arctic terns to name a few.

Bounded by saltwater on either side, the proposed corridor has been an important transportation route from the resource rich Kenai Peninsula into the rest of Alaska. Alaskan natives established trade routes following river valleys and around like the fjord-like lakes. Later, Russian fur-traders, gold rush stampeders, missionaries, and others arrived all seeking access into the resource-rich land. The famous Iditarod Trail to Nome, which was used to haul mail in and gold out, started on the Kenai Peninsula.

A series of starts and stops by railroad entrepreneurs eventually culminated in the completion of the Alaska Railroad from Seward to Fairbanks by the federal government. President Harding boarded the train in Seward in 1923 to drive the golden spike at Nenana (and died on the boat returning to Seattle). It was only in the last half of this century that the highway from Seward to Anchorage was opened. Before then the small communities of the area were linked to the rest of Alaska by wagon trail, rail, and by boat across Turnagain Arm and the Kenai River.

The Heritage corridor contains one of the earliest mining regions in Alaska. Russians left evidence of their search for gold at Bear Creek near Hope. In 1895, discovery of a rich deposit at Canyon Creak precipitated the Turnagain Arm Gold Rush, predating the stampede to the Klondike.

The early settlements and communities of the area are still very much as they were in the past. But, as in the early days, this is a region where ''nature is boss,'' and historic trails and

evidence of mining history are often embedded and nearly hidden in the landscape. What can be seen stands as powerful testimony to the human fortitude, perseverance, and resourcefulness that is America's proudest heritage from the people who settled the Alaskan frontier.

People living in the Kenai Mountains-Turnagain Arm Corridor share a sense that it is a special place. In part, this is simply because of the sheer natural beauty; but it is also because the Alaska frontier is relatively recent. Memories of the times when the inhabitants were dependent on their own resources, and on each other, are still very much alive.

Communities are small, but they are alive with volunteerism. All have active historical societies. Groups in Seward and Girdwood have organized to rebuild the Iditarod Trail. In town of Hope citizens constructed a museum of mining history, building it themselves out of logs and donated materials. Local people have conducted historic building surveys, written books and short histories, collected and published old diaries, and created web pages to record and share the history of their communities. Seward, the corridor's gateway, has created a delightful array of visitor opportunities that display and interpret the region's natural setting, Native culture, and history. National heritage area designation would greatly encourage and expand these good efforts.

Mr. President, it is important to note that this national heritage area is a local grass roots effort and it will remain a locally driven grass roots effort. Decisions will be made by locals, not by Federal bureaucrats. The only role of the Federal Government is to provide technical expertise, mostly in the areas of the interpretation of the many historic sites and tremendous natural resource features that are found throughout the entire region. There will be no additional land ownership by the Federal Government or by the local management entity that is charged with putting together a coordinated plan to interpret the heritage area. The heritage area is about local people working together.

Mr. President, I ask unanimous consent the bill be printed in the RECORD, in its entirety, immediately after my remarks and I urge my colleagues to support this legislation.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 509

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Kenai Mountains-Turnagain Arm National Heritage Area Act of 2001''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress find that—

(1) The Kenai Mountains-Turnagain Arm transportation corridor is a major gateway to Alaska and includes a range of transportation routes used first by indigenous people who were followed by pioneers who settled the nation's last frontier;

(2) the natural history and scenic splendor of the region are equally outstanding; vistas of nature's power include evidence of earthquake subsidence, recent avalanches, retreating glaciers and tidal action along Turnagain Arm, which has the world's second greatest tidal range;

(3) the cultural landscape formed by indigenous people and then by settlement, transportation and modern resource development in this rugged and often treacherous natural setting stands as powerful testimony to the human fortitude, perseverance, and resourcefulness that is America's proudest heritage from the people who settled the frontier;

(4) there is a national interest in recognizing, preserving, promoting, and interpreting these resources;

(5) the Kenai Mountains-Turnagain Arm region is geographically and culturally cohesive because it is defined by a corridor of historic routes—trail, water, railroad, and roadways through a distinct landscape of mountains, lakes, and fjords;

(6) national significance of separate elements of the region include, but are not limited to, the Iditarod National Historic Trail, the Seward Highway National Scenic Byway, and the Alaska Railroad National Scenic Railroad;

(7) national heritage area designation provides for the interpretation of these routes, as well as the national historic districts and numerous historic routes in the region as part of the whole picture of human history in the wider transportation corridor including early Native trade routes, connections by waterway, mining trail, and other routes;

(8) national heritage area designation also provides communities within the region with the motivation and means for ''grass roots'' regional coordination and partnerships with each other and with borough, State, and Federal agencies; and

(9) national heritage area designation is supported by the Kenai Peninsula Historical Association, the Seward Historical Commission, the Seward City Council, the Hope and sunrise Historical Society, the Hope Chamber of Commerce, the Alaska Association for Historic Preservation, the Cooper Landing Community Club, the Alaska Wilderness Recreation and Tourism Association, Anchorage Historic Properties, the Anchorage Convention and Visitors Bureau, the Cook Inlet Historical Society, the Moose Pass Sportsman's Club, the Alaska Historical Commission, the Girdwood Board of Supervisors, the Kenai River Special Management Area Advisory Board, the Bird/Indian Community Council, the Kenai Peninsula Borough Trails Commission, the Alaska Division of Parks and Recreation, the Kenai Peninsula Borough, the Kenai Peninsula Tourism Marketing Council, and the Anchorage Municipal Assembly.

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

(1) to recognize, preserve, and interpret the historic and modern resource development and cultural landscapes of the Kenai Mountains-Turnagain Arm historic transportation corridor, and to promote and facilitate the public enjoyment of these resources; and

(2) to foster, through financial and technical assistance, the development of cooperative planning and partnerships among the communities and borough, State, and Federal Government entities.

SEC. 3. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Kenai Mountains-Turnagain Arm National Heritage Area established by section 4(a) of this Act.

(2) MANAGEMENT ENTITY.—The term ''management entity'' means the 11 member Board of Directors of the Kenai Mountains-Turnagain Arm National Heritage Corridor Communities Association.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 4. KANAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Kenai Mountains-Turnagain Arm National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall comprise the lands in the Kenai Mountains and upper Turnagain Arm region generally depicted on the map entitled ''Kenai Peninsula/Turnagain Arm National Heritage Corridor'', numbered ''Map #KMTA—1, and dated ''August 1999''. The map shall be on file and available for public inspection in the offices of the Alaska Regional Office of the National Park Service and in the offices of the Alaska State Heritage Preservation Officer.

SEC. 5. MANAGEMENT ENTITY.

(a) The Secretary shall enter into a cooperative agreement with the management entity, to carry out the purposes of this Act. The cooperative agreement shall include information relating to the objectives and management of the Heritage Area, including the following:

(1) A discussion of the goals and objectives of the Heritage Area;

(2) An explanation of the proposed approach to conservation and interpretation of the Heritage Area;

(3) A general outline of the protection measures, to which the management entity commits.

(b) Nothing in this Act authorizes the management entity to assume any management authorities or responsibilities on Federal lands.

(c) Representatives of other organizations shall be invited and encouraged to participate with the management entity and in the development and implementation of the management plan, including but not limited to: The State Division of Parks and Outdoor Recreation; the State Division of Mining, Land and Water; the Forest Service; the State Historic Preservation Office; the Kenai Peninsula Borough; the Municipality of Anchorage; the Alaska Railroad; the Alaska Department of Transportation; and the National Park Service.

(d) Representation of ex-officio members in the non-profit corporation shall be established under the bylaws of the management entity.

SEC. 6. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the Secretary enters into a cooperative agreement with the management entity, the management entity shall develop a management plan for the Heritage Area, taking into consideration existing Federal, State, borough, and local plans.

(2) CONTENTS.—The management plan shall include, but not be limited to—

(A) comprehensive recommendations for conservation, funding, management, and development of the Heritage Area;

(B) a description of agreements on actions to be carried out by Government and private organizations to protect the resources of the Heritage Area;

(C) a list of specific and potential sources of funding to protect, manage, and develop the Heritage Area;

(D) an inventory of the resources contained in the Heritage Area; and

(E) a description of the role and participation of other Federal, State, and local agencies that have jurisdiction on lands within the Heritage Area.

(b) PRIORITIES.—The management entity shall give priority to the implementation of actions, goals, and policies set forth in the cooperative agreement with the Secretary and the heritage plan, including assisting communities within the region in—

(1) carrying out programs which recognize important resource values in the Heritage Area;

(2) encouraging economic viability in the affected communities;

(3) establishing and maintaining interpretive exhibits in the Heritage Area;

(4) improving and interpreting heritage trails;

(5) increasing public awareness and appreciation for the natural, historical, and cultural resources and modern resource development of the Heritage Area;

(6) restoring historic buildings and structures that are located within the boundaries of the Heritage Area; and

(7) ensuring that clear, consistent, and appropriate signs identifying public access points and sites of interest are placed throughout the Heritage Area.

(c) PUBLIC MEETINGS.—The management entity shall conduct 2 or more public meetings each year regarding the initiation and implementation of the management plan for the Heritage Area. The management entity shall place a notice of each such meeting in a newspaper of general circulation in the Heritage Area and shall make the minutes of the meeting available to the public.

SEC. 7. DUTIES OF THE SECRETARY.

(a) The Secretary, in consultation with the Governor of Alaska, or his designee, is authorized to enter into a cooperative agreement with the management entity. The cooperative agreement shall be prepared with public participation.

(b) In accordance with the terms and conditions of the cooperative agreement and upon the request of the management entity, and subject to the availability of funds, the Secretary may provide administrative, technical, financial, design, development, and operations assistance to carry out the purposes of this Act.

SEC. 8. SAVINGS PROVISIONS.

(a) REGULATORY AUTHORITY.—Nothing in this Act shall be construed to grant powers of zoning or management of land use to the management entity of the Heritage Area.

(b) EFFECT ON AUTHORITY OF GOVERNMENTS.—Nothing in this Act shall be construed to modify, enlarge, or diminish any authority of the Federal, State, or local governments to manage or regulate any use of land as provided for by law or regulation.

(c) EFFECT ON BUSINESS.—Nothing in this Act shall be construed to obstruct or limit business activity on private development or resource development activities.

SEC. 9. PROHIBITION ON THE ACQUISITION OR REAL PROPERTY.

The management entity may not use funds appropriated to carry out the purposes of this Act to acquire real property or interest in real property.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) FIRST YEAR.—For the first year $350,000 is authorized to be appropriated to carry out the purposes of this Act, and is made available upon the Secretary and the management entity completing a cooperative agreement.

(b) IN GENERAL.—There is authorized to be appropriated not more than $1,000,000 to carry out the purposes of this Act for any fiscal year after the first year. Not more than $10,000,000 in the aggregate, may be appropriated for the Heritage Area.

(c) MATCHING FUNDS.—Federal funding provided under this Act shall be matched at least 25 percent by other funds or in-kind services.

(d) SUNSET PROVISION.—The Secretary may not make any grant or provide any assistance under this Act beyond 15 years from the date that the Secretary and management entity complete a cooperative agreement.

By Mr. LUGAR:

S. 508. A bill to authorize the President to promote posthumously the late Raymond Ames Spruance to the grade of Fleet Admiral of the United States Navy, and for other purposes; to the Committee on Armed Services.

Mr. LUGAR. Mr. President, at 10:25 a.m. on June 4, 1942, a Japanese armada including four carriers was steaming east towards Midway Island, 1150 miles west of Pearl Harbor in the Central Pacific. Its objectives: Invade the strategically situated atoll, seize the U.S. base and airstrip, and, if possible, destroy what remained of our Pacific fleet after the surprise attack on Pearl Harbor the preceding December.

At 10:30 a.m. three of the four Japanese carriers and their aircraft were a flaming shambles. Moments before, Japanese fighter cover had swatted down torpedo bomber squadrons from the U.S. carriers *Enterprise*, *Hornet*, and *Yorktown*—the final, fatal mission for 35 of 41 American planes and 68 of 82 pilots and gunners. But their courageous attack had drawn the fighters down to deck level, leaving the skies nearly empty for the 37 U.S. dive bombers who then appeared and, in five fateful minutes, changed the course of history. By nightfall, the fourth Japanese carrier, too, was a blazing wreck, a fitting coda to a day that reversed forever the military fortunes of Imperial Japan.

''So ended,'' wrote Churchill, ''the battle of June 4, rightly regarded as the turning point of the war in the Pacific.'' With Sir Winston, of course, the question at times was whether the event could rise to the level of his prose. Midway measured up. ''The annals of war at sea,'' he intoned, ''present no more intense, heart-shaking shock'' than Midway and its precursor in the Coral Sea—battles where ''the bravery and self-devotion of the American airmen and sailors and the nerve and skill of their leaders was the foundation of all.''

Few today pause to remember Midway, now six decades past. Fewer still recall the American leader whose nerve and skill were paramount in what historians consider one of the two or three most significant naval battles in recorded history. He was an unlikely figure, a little-known, soft-spoken, publicity-averse 56-year-old Rear Admiral from Indiana named Raymond Ames Spruance. Yet it is doubtful that any other American in uniform contributed more than this quiet Hoosier to our World War II triumph—a foundation for every blessing of peace and prosperity we now enjoy.

I heard Admiral Spruance speak in February 1946, when I was 13 years old and he visited Shortridge High School in Indianapolis, his alma mater and soon to be mine. Our teachers were excited as they shepherded my junior high classmates and me into the auditorium for a joint assembly with the high schoolers. But nothing about the speech was particularly vivid or exciting to this member of the youthful audience. I recall little more than the talk about our recent victory in the Pacific—with little hint from the modest man on stage about his personal involvement, at one crucial juncture after another, in making that victory possible.

Only years later did I really understand how large a role Raymond Spruance had played on the stage of actual events, starting at Midway. His very presence at the battle—replacing the flamboyant William ''Bull'' Halsey, temporarily shore-bound with a skin ailment—had been happenstance. Yet it was Spruance, with no prior carrier combat experience, who at the key moment made the crucial command decision to launch all available aircraft, which led to the devastation of the enemy carriers. It was Spruance who then preserved that turning-point victory, instinctively resisting Japanese attempts over the next two days to lure the American fleet into a trap—a trap subsequent U.S. intelligence would confirm was indeed waiting. It was Spruance, as famed Navy historian Samuel Eliot Morison would write, who ''emerged from the battle one of the greatest admirals in American naval history.''

It was also Spruance who, when complimented on Midway years after the War, would say, ''There were a hundred Spruances in the Navy. They just happened to pick me for the job.'' Herman Wouk's masterful ''War And Remembrance'' has the best rejoinder, which the author puts in the mouth of a fictional wartime adversary: ''In fact, there was only one Spruance and luck gave him, at a fateful hour, to America.'' Speaking in their own voices, Wouk and other Americans of faith would quarrel only with the word ''luck.''

Midway would prove but the first of many Spruance-led successes. As Commander of the newly formed Fifth Fleet, he would lead American operations in the Gilberts, then in the Marshalls, and then in the Marianas, including the invasion of Saipan. (Among the fighting men under Spruance's overall command during this 1943–44 period was a young aviator—the war's youngest commissioned Naval pilot—named George Bush). Spruance would then command 1945's crucial, hard-fought invasions of Iwo Jima and Okinawa, the latter involving some 1,200 vessels and 548,000 men, an amphibious operation on a scale surpassed only by Normandy.

Throughout, he maintained the unassuming attitude that downplayed his

own role at Midway. Unlike some of his contemporaries (and in marked contrast to the spirit of our own age), Spruance avoided publicity and abjured self-promotion, which he saw as a threat to effective command. ''A man's judgment is best,'' said Spruance, ''when he can forget himself and any reputation he may have acquired, and can concentrate wholly on making the right decision.'' These are words to live by for any leader. Spruance, both during the war and in his later service as President of the Naval War College and Ambassador to the Philippines, lived them as few other leaders in any age and any field of endeavor have managed.

One consequence was that he forwent levels of recognition and reward accorded others who, though fully worthy, were certainly no more worthy than he. Serious historians and scholars, however, never doubted the merits of the man whose biography is aptly titled ''The Quiet Warrior.'' Among all the war's combat admirals ''there was no one to equal Spruance,'' wrote Morison. ''He envied no man, regarded no one as rival, won the respect of all with whom he came in contact, and went ahead in his quiet way winning victories for his country.''

That was surely enough for Spruance, who passed away in December 1969. But I do not think it should be enough for us, his countrymen, who are the beneficiaries of the victories he won. That is why I have introduced legislation authorizing and requesting President Bush to promote Raymond Spruance—the ''quiet warrior'' under whom the President's father once served—to the five-star rank of Fleet Admiral of the United States Navy. I believe this posthumous honor should be the fitting, and final, promotion among America's World War II Armed Forces, even as we anticipate dedication of a national memorial honoring all who served in that conflict.

It is fitting, first of all, because it corrects an oversight. Near the end of the war, Congress authorized four five-star positions each in the Army and in the Navy. The new generals of the Army were George Marshall, Douglas MacArthur, Dwight Eisenhower and Henry ''Hap'' Arnold—later redesignated general of the Air Force. The first three five-star admirals were Pacific commander-in-chief Chester Nimitz, wartime CNO Ernest King, and William Daniel Leahy, President Roosevelt's chief of staff and Chairman of the Joint Chiefs. But an internal battle raged for months over whether the fourth fleet admiral would be the colorful Halsey—who was ultimately selected—or his more reticent colleague, the victor at Midway. Later, when Congress authorized another five-star post for the ''GI General,'' Omar Bradley, it overlooked creating a fifth Navy five-star opening, which unquestionably would have gone to Bradley's ocean-going counterpart, Raymond Spruance.

Typically, Spruance stayed away from these controversies. His one comment came in 1965, when he wrote a friend:

> So far as my getting five-star rank is concerned, if I could have had it along with Bill Halsey, that would have been fine; but, if I had received it instead of Bill Halsey, I would have been very unhappy over it.

Well, Raymond Spruance can now have five-star rank ''along with Bill Halsey.'' He deserves it, the more so because he did not seek it. It is an oversight that he was not given it earlier. But these are reasons enough to correct that oversight now.

And there are other reasons we should pay Raymond Spruance this posthumous honor, reasons that have as much to do with us as with him. What we choose to honor says a great deal about who we are. Much of what our political and popular culture ''honors'' today—with celebrity and fortune and swarms of media attention is the foolish and flighty, the sensational and self-indulgent. Too often, the pursuits made possible by freedom are unworthy of the sacrifices that preserved freedom itself.

Those sacrifices were made by earlier generations inspired by a simpler, sturdier set of values, values that included duty to country and, when necessary, self-sacrifice on her behalf. If we cherish and would preserve the blessings of freedom, we must hold up before our children—who daily see too many less worthy models—those who willingly made the sacrifices that kept freedom alive.

No one served the values of freedom more fully or nobly, and with less thought of personal praise or fame, than Raymond Spruance. On any list of the great Allied military leaders of World War II, his character and his contributions to victory stand in the very first rank. It is simple justice to him, and fitting and proper for us, now to award him actual rank commensurate with such character and contributions. My hope is that my colleagues and the President will agree—so that history henceforth will honor Fleet Admiral Raymond Ames Spruance, the quiet Hoosier warrior whose triumph at Midway opened the door to America's triumph in the Pacific.

By Mr. SANTORUM:

S. 510. A bill to amend the Caribbean Basin Economic Recovery Act to provide trade benefits for certain textile covers; to the Committee on Finance.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 510

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

SECTION 1. CERTAIN TEXTILE COVERS.

Section 213(b)(2)(A) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)(2)(A)) is amended by adding at the end the following:

''(ix) CERTAIN TEXTILE COVERS.—Certain textile covers classifiable under subheading 6302.31.90 or 6302.32.20 of the HTS—

''(I) assembled in a CBTPA beneficiary country from fabric wholly formed and cut in the United States, from yarns wholly formed in the United States, that are entered under subheading 9802.00.80 of the HTS; or

''(II) assembled from fabric cut in a CBTPA beneficiary country from fabric wholly formed in the United States, from yarns wholly formed in the United States, if the covers are assembled in a CBTPA beneficiary country with thread formed in the United States.''.

By Ms. SNOWE:

S. 511. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *AJ;* to the Committee on Commerce, Science, and Transportation.

Mr. President, I ask unanimous consent that the text of bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 511

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

SECTION 1. CERTIFICATE 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 vessel *AJ*, United States official number 599164.

By Mr. DORGAN (for himself, Mr. ENZI, Mr. GRAHAM, Mr. VOINOVICH, Mr. BREAUX, Mr. THOMAS, Mr. DURBIN, Mr. CHAFEE, Mrs. LINCOLN, Mrs. HUTCHISON, and Mr. ROCKEFELLER):

S. 512. A bill to foster innovation and technological advancement in the development of the Internet and electronic commerce, and to assist the States in simplifying their sales and use taxes; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I'm joined by Senators ENZI, GRAHAM, VOINOVICH, BREAUX, and a number of our colleagues in re-introducing the Internet Tax Moratorium and Equity Act. This legislation is nearly identical to legislation we sponsored in the last Congress. We believe that it is absolutely imperative that Congress move quickly this year to consider this legislation and the difficult tax issues relating to Internet sales that it seeks to address.

First, most everyone who is familiar with this issue knows that the current expiration date for the moratorium on Internet access and discriminatory taxes is fast approaching. We believe

the moratorium should be extended. Also, this legislation moves toward a solution to the growing web of tax compliance problems that faces virtually everyone who would do business across State lines, sellers and customers alike.

Despite some setbacks, Internet technology and commerce will continue to be a real growth engine for our economy. The past holiday season, retail sales over the Internet jumped 76 percent from the same period a year earlier. A recent University of Texas study estimated that $830 billion in revenues were generated by the Internet economy in 2000, up 58 percent from 1999 levels. Together, this information suggests that Internet sales are not going to be either temporary or insignificant, and neither are the compliance problems.

We believe that the approach embraced in our bill would help create a climate in which Web-based firms and Main Street businesses can co-exist and compete on fair and even terms. Any new form of commerce presents a challenge to the rules and structures that have grown up around the old. The automobile required the reform of traffic-control rules designed for the horse-and-buggy era. And the Internet is no exception. The Internet has raised vexing questions about privacy and property rights. It has raised similarly vexing questions regarding the revenue systems of the States and localities of this nation. Clearly, the Internet does not fit neatly into these systems as they have evolved over the last two hundred years.

This disconnect has created tensions on all sides. On one side are the vital new businesses, Internet service providers, Web-based businesses and the rest, worried that they will be singled out as cash cows and subjected to new and unfair taxes. On the other side are State and local governments worried about the erosion of their tax bases and their ability to pay for the schools, police, garbage collection and more that their taxpayers need and expect. In between are Main Street merchants who collect sales taxes from their customers and worry about unfair competition from Web-based business that do not have to collect these taxes. And we shouldn't overlook the citizens and taxpayers, who appreciate the convenience and opportunities of the Web but who also care about their Main Street merchants, and about their schools and other local services.

All of these concerns are understandable and valid. Our job in Congress is to try to address the problem in a fair and constructive way.

The solution begins with a recognition of the problem. Collecting a sales tax in a face-to-face transaction on Main Street or at the mall is a relatively simple process. The seller collects the tax and remits it to the State or local government. But with remote sales—such as catalog and Internet sales, it's more difficult. States cannot require a seller to collect a sales tax unless the business has an actual location or sales people in the State. So most States, and many localities, have laws that require the local buyer to send an equivalent ''use tax'' to the State or local government when he or she did not pay taxes at the time of purchase.

The reality, of course, is that customers almost never do that. It would be a major inconvenience, and people are not accustomed to paying sales taxes in that way. So, despite the requirement in the law, most simply don't do it. This tax, which is already owed, is not paid. For years, State and local governments could accept this loss because catalog sales were a relatively minor portion of overall commerce. The rapid growth of Internet sales is changing all that.

Internet and catalog sellers correctly argue that collecting sales taxes would be a significant burden for them. Understandably, they contend that it would be difficult for them to have to comply with tax laws from thousands of different jurisdictions, 46 States and thousands of local governments have sales taxes, with different tax rates and all of the idiosyncracies regarding what is taxable and what is non-taxable. They have a point.

However, there are some remote sellers who know they enjoy an advantage over Main Street businesses and simply do not want to lose it. They can sell a product without collecting the tax, whereas Main Street businesses must collect the local sales tax. Main Street businesses claim that is unfair, and they have a point, too.

As I have said before, all sides in this debate have valid points, and that is the premise of the bill we introduce today. There are three basic principles underlying the Internet Tax Moratorium and Equity Act.

First, we believe that this new Internet technology will remain a real growth engine for our economy, and the solution must begin by putting the worries of Web-based entrepreneurs to rest. They should not be concerned about new and discriminatory tax burdens, and they should not be singled out as cash cows. Congress should make this clear. That's why our bill would extend the existing moratorium, which is set to expire on October 21st, through December 31, 2005. That will help remove some of the anxiety about the approaching expiration date, while giving all stakeholders—State and local governments, Internet sellers, and the bricks and mortar retail community, time to work together to develop a real solution for the sales and use tax compliance problems now facing many businesses and their customers.

Second, State and local governments should be encouraged to simplify their sales tax systems as they apply to remote sellers. And third, once States have reduced the burden on sellers by simplifying their sales and use tax systems, then it is only fair that remote sellers do their part and collect any use tax that is owed, just as local merchants collect sales taxes. This simple step would free the consumer from the burden of having to report such taxes individually. It would level the playing field for local retailers and others that already collect and remit such taxes, and it would protect the ability of State and local governments to provide necessary services for their residents in the future.

Specifically, the Internet Tax Moratorium and Equity Act would do the following:

Extend the existing moratorium on Internet access, multiple and discriminatory taxes through December 31, 2005.

Put Congress on record as urging States and localities to streamline their sales and use tax systems. Among other things, a dramatically simplified sales and use tax system would allow remote sellers to use information provided by the States to easily identify the single applicable rate for each sale, as well as provide sellers relief from liability for relying on such information.

Require such a simplified tax system to include: uniform definitions for goods and services, uniform procedures for the treatment of exempt purchasers, and uniform rules for attributing transactions to particular tax jurisdictions, as well as uniform audit procedures and a seller's option for a single audit.

Authorize States to enter into an Interstate Sales and Use Tax Compact through which member States would adopt the streamlined sales and use tax system. Congressional authority and consent to enter into such a Compact would expire if it has not occurred by January 1, 2006.

Authorize States that adopt the Compact to require remote sellers with more than $5 million in annual gross sales to collect and remit sales and use taxes on remote sales, once twenty States have adopted such a Compact, unless Congress has acted to disapprove the Compact by law within a period of 120 days after the Congress receives it.

Prohibit States that have not adopted the simplified sales and use tax system from gaining benefit from the authority extended in the bill to require sellers to collect and remit sales and use taxes on remote sales.

In my judgment, it would be a serious mistake for Congress to adopt a lengthy extension of the current Internet tax moratorium without addressing these underlying problems. If we don't address the problems, then the growth of the Internet, which should be a benefit to Americans, will instead mean a major erosion of funds available to build and maintain schools and roads, finance police departments and garbage collection, and all the other services that citizens in this country want and need.

Moreover, the competitive crisis facing local retailers is also growing more

urgent. In testimony before the Commerce Committee in the last Congress, a representative from a large retailer testified that his company is incorporating a separate business to put the business on the Internet. It will do so in a manner that will enable them to avoid sales and use taxes. Even though the retailer has locations in every State and therefore would be required to collect such taxes on Internet sales, it believes that such avoidance is needed to compete with other large competitors that will be making those sales tax-free. This scenario could play out over and over again unless we act quickly and decisively. If we don't act, the large retailers will survive, the small Main Street businesses will continue to struggle, and there will be a massive loss of revenues to fund schools and other basic services.

Let me conclude by reiterating that this is an issue that Congress must address now. It is important for Congress to begin the process of finding a long-term solution to the problem this year before the moratorium expires. We believe that our legislation strikes a proper balance between the interests of the Internet industry, State and local governments, local retailers and remote sellers. It is workable and fair, and I urge my colleagues to cosponsor this much-needed bipartisan legislation.

I ask unanimous consent to have the following two statements put in the RECORD, one from a group of organizations representing States and localities, and the other from the E-Fairness Coalition.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From National Governors' Association, National Conference of State Legislatures, Council of State Governments, National Association of Counties, United States Conference of Mayors, and International City/County Management Association, March 9, 2001]

STATEMENT ON THE INTRODUCTION OF THE ''INTERNET TAX MORATORIUM AND EQUITY ACT'' SPONSORED BY SENATORS DORGAN, ENZI, VOINOVICH, GRAHAM, BREAUX, HUTCHISON, CHAFEE, THOMAS, LINCOLN, DURBIN AND ROCKEFELLER

Our organizations representing the nation's state and local governments support the goals of Senators Dorgan, Enzi, Voinovich, Graham, Breaux, Hutchison, Thomas, Chafee, Lincoln, Durbin and Rockefeller to provide for a level playing field for all retail sales through state based simplification of sales and use tax structures that allows for the collection of the appropriate applicable state and local sales and use tax.

State and local governments recognize the need to simplify the current sales and use tax collection systems to benefit the national economy through the removal of unnecessary complexity. The nation's state and local sales and use taxes are the single most important source of support for public education in America. We regard it as critical that the Congress support efforts to prevent erosion of this revenue source essential to funding our education systems.

The efforts of the more than 30 states to simplify their systems to dramatically reduce the complexity and cost of collection for all sellers is evidence of our commitment to adapt to the new economy. We would oppose any effort to extend the moratorium, unless and until, Congress acts to restore the authority of states and local governments to ensure that all vendors are treated equally.

We support federal legislation that ensures that any sales and use tax simplification process would be developed and implemented on the state and local level and grant to those states the authority to require out of state sellers to collect and remit sales and use taxes. Preservation of state and local sovereignty is a cornerstone of our federal system; this legislation promises an important opportunity to restore this element.

We look forward to working with Senators Dorgan, Enzi, Voinovich, Breaux, Graham, Hutchison, Thomas, Chafee, Lincoln, Durbin, Rockefeller and others to further refine legislative language to achieve this end.

E-FAIRNESS,
Washington, DC, March 7, 2001.

Hon. BYRON DORGAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR DORGAN: I am writing to congratulate you on the introduction of the ''Internet Tax and Moratorium Equity Act.''

The e-Fairness Coalition includes brick-and-mortar and online retailers, realtors, retail and real estate associations, as well as publicly and privately owned shopping centers, the Newspaper Association of America, and members of the high-tech community such as Gateway and Vertical Net. The Coalition advocates a level playing field with respect to sales and use tax collection for all retailers, including bricks-and-mortar as well as Internet-based.

We have been working for over 18 months to help provide a comprehensive solution to the questions surrounding Internet taxation. We continue to believe that federal legislation is necessary in order to provide for tax equity amongst all retailers. Your bill is important because it promotes the continued growth of the Internet by extending the current moratorium on Internet access fees and multiple and discriminatory taxes. However, it also provides clear and reasonable simplification guidelines that once adopted would allow the states to require that remote sellers collect use taxes just as Main Street retailers collect sales taxes.

On behalf of the nation's retailers and real estate interests—and the 1 in 5 American workers our members represent—I applaud you for your leadership on this important issue. Our Coalition looks forward to continuing to work with you to provide a level playing field for all retailers and all consumers.

Sincerely,

LISA COWELL,
Executive Director.

On behalf of:
Alabama Retail Association.
American Booksellers Association.
American Jewelers Association.
Ames Department Stores.
Atlantic Independent Booksellers Association.
CBL & Associates Properties, Inc.
Circuit City Stores, Inc.
Electronic Commerce Association.
First Washington Realty Trust, Inc.
Florida Retail Federation.
Gateway Companies, Inc.
General Growth Properties, Inc.
Georgia Retail Association.
Great Lakes Booksellers Association.
Home Depot.
Illinois Retail Merchants Association.
International Council of Shopping Centers (ICSC).
International Mass Retail Association (IMRA).
Kentucky Retail Association.
Kimco Realty Corporation.
K-Mart Corporation.
Lowe's Corporation, Inc.
The Macerich Company.
Michigan Retailers Association.
Mid-South Booksellers Association.
Missouri Retailers Association.
Mountains & Plains Booksellers Association.
National Association of College Stores.
National Association of Convenience Stores.
National Association of Industrial and Office Properties (NAIOP).
National Association of Real Estate Investment Trusts (NAREIT).
National Association of Realtors (NAR).
National Community Pharmacists Association.
National Retail Federation.
New England Booksellers Association.
Newspaper Association of America.
North American Retail Dealers Association.
Northern California Independent Booksellers.
Pacific Northwest Booksellers Association.
Performance Warehouse Association.
RadioShack Corporation.
Regency Realty Corporation.
Retailers Association of Massachusetts (RAM).
ShopKo.
Simon Property Group.
Southeast Booksellers Association.
Southern California Booksellers Association.
South Carolina Merchants Association (SCMA).
Target, Inc.
Taubman Centers, Inc.
The Gap, Inc.
The Macerich Company.
The Musicland Group, Inc.
The Real Estate Roundtable.
The Rouse Company.
Variety Wholesalers.
VerticalNet, Inc.
Virginia Retail Merchants Association.
Wal-Mart.
Weingarten Realty Investors.
Westfield America, Inc.

Mr. ENZI. Mr. President, I rise in strong support of the Internet Tax Moratorium and Equity Act introduced today by Senator DORGAN. I am an original cosponsor and I encourage each of my colleagues to join me as a cosponsor of this bill. We had to take a look at the Internet sales tax issue for people who might be using legislative vehicles to develop huge loopholes in our current system. We are federally mandating states into a sales tax exemption. We need to preserve the system for those cities, towns, counties, and states that rely on the ability to collect the sales tax they are currently getting.

There are some critical issues here that have to be solved to keep the stability of state and local government—just the stability of it—not to increase sales tax, just protect what is there right now. I believe the Internet Tax Moratorium and Equity Act is a monumental step forward in protecting, yet enhancing, the current system.

Certainly, no Senator wants to take steps that will unreasonably burden the development and growth of the

Internet. At the same time, we must also be sensitive to issues of basic competitive fairness and the negative affect our action or inaction can have on brick-and-mortar retailers, a critical economic sector and employment force in all American society, especially in rural states like Wyoming. In addition, we must consider the legitimate need of state and local governments to have the flexibility they need to generate resources to adequately fund their programs and operations.

If the loophole exists, I can share a method for local retailers to avoid sales tax collection too—but creating this loophole will lead to others—pay attention here. Sales tax collection and federal and state income tax could be in the same boat, if sales tax collection is no longer necessary on Internet sales purely by virtue of the sale over the Internet. Why shouldn't an employee whose check is written on the Internet and transmitted directly to his bank account not owe any income tax? Both would be Internet tax loopholes—tax collection exemptions forced by an all-knowing federal government.

As the only accountant in the Senate, I have a unique perspective on the dozens of tax proposals that are introduced in Congress each year. In addition, my service on the state and local level and my experiences as a small business owner enable me to consider these bills from more than one viewpoint.

I understand the importance of protecting and promoting the growth of Internet commerce because of its potential economic benefits. It is a valuable resource because it provides access on demand. In addition, it is estimated that the growth of online businesses will create millions of new jobs nationwide in the coming years. Therefore, I do not support a tax on the use of Internet itself.

I do, however, have concerns about using the Internet as a sales tax loophole. Sales taxes go directly to state and local governments and I am very leery of any federal legislation that bypasses their traditional ability to raise revenue to perform needed services such as school funding, road repair and law enforcement. I will not force states into a huge new exemption. While those who advocate a permanent loophole on the collection of a sales tax over the Internet claim to represent the principles of tax reduction, they are actually advocating a tax increase. Simply put, if Congress continues to allow sales over the Internet to go untaxed and electronic commerce continues to grow as predicted, revenues to state and local governments will fall and property taxes will have to be increased to offset lost revenue or states who do not have or believe in state income taxes will be forced to start one.

After months of hard work, negotiations, and compromise, the Internet Tax Moratorium and Equity Act has been introduced. I would like to commend Senator DORGAN on his commitment to finding a solution and working with all parties to find that solution. The bill extends the existing moratorium on Internet access, multiple, and discriminatory taxes for an additional four years through December 31, 2005.

Throughout the past several years, we have heard that catalog and Internet companies say they are willing to allow and collect sales tax on interstate sales (regardless of traditional or Internet sales) if states will simplify collections to one rate per state sent to one location in that state. I think that is a reasonable request. I have heard the argument that computers make it possible to handle several thousand tax entities, but from an auditing standpoint as well as simplicity for small business, I support one rate per state. I think the states should have some responsibility for redistribution not a business forced to do work for government. Therefore, the bill would put Congress on record as urging states and localities to develop a streamlined sales and use tax system, which would include a single, blended tax rate with which all remote sellers can comply. You need to be aware that states are prohibited from gaining benefit from the authority extended in the bill to require sellers to collect and remit sales and use taxes on remote sales if the states have not adopted the simplified sales and use tax system.

Further, the bill would authorize states to enter into an Interstate Sales and Use Tax Compact through which members would adopt the streamlined sales and use tax system. Congressional authority and consent to enter into such a compact would expire if it has not occurred by January 1, 2006. The bill also authorizes states to require all other sellers to collect and remit sales and use taxes on remote sales unless Congress has acted to disapprove the compact by law within a period of 120 days after the Congress receives it.

We introduce this bill because we do not think there is adequate protection now. It is very important we do not build electronic loopholes on the Internet, an ever-changing Internet, one that is growing by leaps and bounds, one that is finding new technology virtually every day. What we know as the Internet today is not what we will be using by the time the moratorium is finalized. More and more people are using the Internet everyday.

Mr. President, I recognize this body has a constitutional responsibility to regulate interstate commerce. Furthermore, I understand the desire of several Senators to protect and promote the growth of Internet commerce. Internet commerce is an exciting field. It has a lot of growth potential. The new business will continue to create millions of new jobs in the coming years.

The exciting thing about that for Wyomingites is that our merchants do not have to go where the people are. For people in my state, that means their products are no longer confined to a local market. They do not have to rely on expensive catalogs to sell merchandise to the big city folks. They do not have to travel all the way to Asia to display their goods. The customer can come to us on the Internet. It is a remarkable development, and it will push more growth for small manufacturers in rural America, especially in my state. We have seen some of the economic potential in the Internet and will continue this progress. It is a valuable resource because it provides access on demand. It brings information to your fingertips when you want it and how you want it.

I was the mayor of a small town, Gillette, Wyoming, for 8 years. I later served in the State House for 5 years and the State Senate for 5 years. Throughout my public life, I have always worked to reduce taxes, to return more of people's hard-earned wages to them.

I am not here to argue in favor of taxes. There were times in Gillette when we had to make tough decisions. I was mayor during the boom time when the size of our town doubled in just a few years. We had to be very creative to be sure that our revenue sources would cover the necessary public services—important services like sewer, water, curb and gutter, filling in potholes, shoveling snow, collecting garbage, and mostly water. It is a tough job because the impact of your decision is felt by all of your neighbors. Hardly any of those problems is solved without money. When you are the mayor of a small town, you are on call 24 hours a day. You are in the phone book. People can call you at night and tell you that the city sewer is backing up into their house. I was fascinated how they were always sure that it was the city's sewer that was doing it. Therefore, it is important that we do not cut towns out of an historic source of revenue. They provide services you really depend on. Remember you cannot flush your toilet over the Internet.

The point is that the government that is closest to the people is also on the shortest time line to get results. I think it is the hardest work. I am very concerned with any piece of legislation that mandates or restricts local government's ability to meet the needs of its citizens. This has the potential to provide electronic loopholes that will take away all of their revenue. The Internet Tax Moratorium and Equity Act would designate a level playing field for all involved—business, government, and the consumer.

I do strongly support this bill. The current system of collecting revenues for those towns and states should be preserved—preserved on a level playing field for all involved. I do not think we have all the answers, or we would not be asking for this bill. So whatever we do, we have to have a bill that will preserve the way that small business and small towns function at the present time. Our bill is critical for towns,

small businesses, and you and me. I urge my colleagues to support it. I yield the floor.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 56—HONORING THE MEMORY OF JAMES A. RHODES AS A GIFTED POLITICAL SERVANT AND STATESMAN

Mr. VOINOVICH (for himself and Mr. DEWINE) submitted the following resolution; which was considered and agreed to:

S. 56

Whereas the Senate notes with great sorrow the death of James A. Rhodes on March 4, 2001, at the age of 91;

Whereas James A. Rhodes was born the son of a coal miner in Coalton, Ohio, in 1909;

Whereas in 1934, James A. Rhodes launched his first campaign for political office at the age of 25, and was elected ward committeeman at The Ohio State University, thereby commencing a successful public career that would span one-half century;

Whereas James A. Rhodes rose through a succession of positions of public trust to rank as one the greatest public servants of the State of Ohio;

Whereas James A. Rhodes was elected to 4 terms as Governor of Ohio, more than any other Governor in the history of the State;

Whereas James A. Rhodes was gifted not only as a public servant, but as an educator, mentor, and businessman;

Whereas James A. Rhodes was instrumental in the expansion of State supported universities, community colleges, and technical colleges in the State of Ohio;

Whereas James A. Rhodes bolstered the economic development of the State of Ohio and provided leadership for successful building programs throughout the State;

Whereas James A. Rhodes' love and devotion to the State of Ohio was nonpareil;

Whereas the quality of life of the citizens of Ohio continues to be significantly elevated because of the life led by James A. Rhodes;

Whereas James A. Rhodes' service to the State of Ohio and its people, regardless of stature in life, economic status, religion, or race, has inspired many young men and women to follow his example: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life of James A. Rhodes, former Governor of the State of Ohio;

(2) is thankful that James A. Rhodes touched the lives of many men and women during his years of public service;

(3) notes that James A. Rhodes' greatest achievement is his family, including his late wife, Helen, his surviving daughters, Suzanne and Sharon, his 9 grandchildren, and his 13 great-grandchildren; and

(4) extends support and condolences to the friends and family of James A. Rhodes upon the sad occasion of his death.

SENATE RESOLUTION 57—TO EXPRESS THE SENSE OF THE SENATE THAT THE FEDERAL INVESTMENT PROGRAMS THAT PROVIDE HEALTH CARE SERVICES TO UNINSURED AND LOW-INCOME INDIVIDUALS IN MEDICALLY UNDER-SERVED AREAS BE INCREASED IN ORDER TO DOUBLE ACCESS TO CARE OVER THE NEXT 5 YEARS

Mr. BOND (for himself, Mr. HOLLINGS, Mr. HUTCHINSON, Mr. KENNEDY, Mr. DEWINE, Mr. DASCHLE, Mr. COCHRAN, Mr. DODD, Mr. BREAUX, Ms. COLLINS, Mr. DURBIN, Mrs. FEINSTEIN, Mr. KERRY, Mr. KOHL, Mrs. LINCOLN, Mr. LUGAR, Mrs. MURRAY, and Mr. WELLSTONE) submitted the following resolution; which was referred to the Committee on Appropriations:

S. Res. 57

Whereas the uninsured population in the United States is approximately 43,000,000 and is estimated to reach over 53,000,000 people by 2007;

Whereas nearly 80 percent of the uninsured population are members of working families who cannot afford health insurance or cannot access employer-provided health insurance plans;

Whereas minority populations, rural residents, and single-parent families represent a disproportionate number of the uninsured population;

Whereas the problem of health care access for the uninsured population is compounded in many urban and rural communities by a lack of providers who are available to serve both insured and uninsured populations;

Whereas community, migrant, homeless, and public housing health centers have proven uniquely qualified to address the lack of adequate health care services for uninsured populations, serving over 4,900,000 uninsured patients in 2000, including over 1,000,000 new uninsured patients who have sought care from such centers in the last 3 years;

Whereas health centers care for almost 12,000,000 patients, nearly 8,000,000 minorities, nearly 650,000 farmworkers, and almost 600,000 homeless individuals each year;

Whereas health centers provide cost-effective comprehensive primary and preventive care to uninsured individuals for less than $1.00 per day, or $350 annually, and help to reduce the inappropriate use of costly emergency rooms and inpatient hospital care;

Whereas current resources only allow health centers to serve more than 10 percent of the Nation's 43,000,000 uninsured individuals;

Whereas past investments to increase health center access have resulted in better health, an improved quality of life for all Americans, and a reduction in national health care expenditures;

Whereas Congress can act now to increase access to health care services for uninsured and low-income people together with or in advance of health care coverage proposals by expanding the availability of services at community, migrant, homeless, and public housing health centers; and

Whereas President George W. Bush has proposed to double the number of people served at health centers: Now, therefore, be it

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the ''Resolution to Expand Access to Community Health Centers (REACH) Initiative''.

SEC. 2. SENSE OF THE SENATE.

It is the sense of the Senate that appropriations for consolidated health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b) should be increased by 100 percent over the next 5 fiscal years in order to double the number of individuals who receive health care services at community, migrant, homeless, and public housing health centers.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Jack Hess, a congressional fellow in my office, be granted floor privileges today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JAMES A. RHODES, A GIFTED POLITICAL SERVANT AND STATESMAN

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 56, submitted earlier by Senator VOINOVICH and myself.

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

The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 56) honoring the memory of James A. Rhodes as a gifted political servant and statesman.

The Senate proceeded to consider the resolution.

Mr. DEWINE. Mr. President, I rise today to pay tribute to one of Ohio's greatest and most dedicated public servants, a former four-term Ohio Governor, James A. Rhodes, who passed away on March 4 of this year at the age of 91.

Though Jim Rhodes will be deeply missed, he will always, always, be remembered. My friend and colleague from Ohio, Senator VOINOVICH, and I have introduced a resolution to honor the memory of Governor Rhodes as a gifted political servant and statesman.

I thank my colleague from Ohio for his work in crafting this resolution. I know Senator VOINOVICH shares my admiration and deep respect for Governor Rhodes. In fact, both Senator VOINOVICH and I traveled back to Ohio this past week to attend the final ceremony for Governor Rhodes in the rotunda of the State Capitol of Ohio.

Governor Rhodes was one of a kind—a one-of-a-kind leader, politician, husband, father, grandfather, great-grandfather, and friend. No one—no one—loved Ohio more than Gov. Jim Rhodes.

No one was more dedicated to making Ohio bigger, better, stronger, and safer. Jim Rhodes was a visionary. And though a lot of politicians have big visions, Governor Rhodes was different. He turned those visions into reality. That is what set him apart. That is what made him one of Ohio's most influential political figures of the 20th century. That is what made him a legend.