

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term “Secretary” means the Secretary of Labor.

(2) TRADE ADJUSTMENT ASSISTANCE REFORM ACT OF 2002.—The term “Trade Adjustment Assistance Reform Act of 2002” means the Trade Adjustment Assistance Reform Act of 2002, or any other Act enacted during the second session of the 107th Congress to provide trade adjustment assistance.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 282—DIS-APPROVING THE WITHDRAWAL OF THE UNITED STATES FROM THE 1972 TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE LIMITATION OF ANTI-BALLISTIC MISSILE SYSTEMS (ABM TREATY), SIGNED IN MOSCOW ON MAY 26, 1972 (EX. L. 92-2)

Mr. FEINGOLD submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 282

Resolved, That—

(1) it is the sense of the Senate that approval of the United States Senate is required to terminate any treaty between the United States and another nation;

(2) the Senate shall determine the manner by which it gives its approval to such proposed termination; and

(3) the Senate does not approve the withdrawal of the United States from the 1972 Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems (ABM Treaty), signed in Moscow on May 26, 1972 (Ex. L. 92-2).

SENATE CONCURRENT RESOLUTION 120—COMMENDING THE PENNSYLVANIA NATIONAL GUARD FOR ITS EXEMPLARY SERVICE TO THE UNITED STATES IN THE WAR AGAINST TERRORISM AND OTHER RECENT DOCUMENTS

Mr. SPECTER (for himself and Mr. SANTORUM) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 120

Whereas the Pennsylvania National Guard, the largest Army National Guard in the United States and fourth largest Air National Guard in the United States, has experienced call up and deployment rates at levels unseen since the Korean War and has provided historic levels of volunteers to critical missions of national importance;

Whereas the Pennsylvania National Guard has recently performed laudably in various overseas deployments to central Asia, Europe, Latin America, and other locations;

Whereas individuals and units of the Pennsylvania National Guard have been deployed within the Commonwealth of Pennsylvania on a variety of missions since the terrorist attacks on September 11, 2001, with 210 soldiers serving in security roles at 16 different Pennsylvania airports, and many other sol-

diers serving under State active duty status at all 5 of Pennsylvania's nuclear power plants;

Whereas individuals and units of the Pennsylvania National Guard have been deployed outside of Pennsylvania to serve along the northern border of the United States, in rescue and support operations immediately after the terrorist attacks on September 11, 2001, and with NORAD air controller components in New York providing critical assistance to combat air patrols over the United States in Operation Noble Eagle/Enduring Freedom;

Whereas the 193rd Special Operations Wing, under the command of Brigadier General Steve Speer, which is the most deployed active or reserve Air Force or Air National Guard unit in the United States, deployed to central Asia in September 2001 to provide one-of-a-kind psychological warfare resources to Allied commanders in Operation Noble Eagle/Enduring Freedom, with 900 members of that unit serving the cause of freedom and liberty valiantly;

Whereas the 111th Fighter Wing, under the command of Colonel Stephen Sischo, has participated extensively in Operation Noble Eagle/Enduring Freedom, while also serving in Operation Southern Watch, flying 682 hours during 318 sorties enforcing the no-fly zone over Iraq;

Whereas the 171st Air Refueling Wing, under the command of Brigadier General William Boardly, has flown 242 sorties in support of Operation Noble Eagle/Enduring Freedom;

Whereas the 140th Weather Flight, 270th Engineering Installation Squadron, the 146th Weather Flight, the 112th Air Control Squadron, the 201st RED HORSE Flight, the 211th Engineering Installation Squadron, the 258th Air Traffic Control Squadron, and the 271st Combat Communications Squadron have also participated in Operation Noble Eagle/Enduring Freedom;

Whereas the 28th Infantry Division of the Pennsylvania Army Guard, under the command of Major General Walt Pudlowski, has provided units and soldiers recently to operations in central Europe as part of KFOR and SFOR Balkans stabilization efforts and central Asia in the war on terrorism;

Whereas soldiers and units of the 28th Infantry Division, under the direction of Brigadier General Wesley Craig, have begun preparing for future tasks as one of the first active or Guard units to transform into an Interim Brigade Combat Team, part of the Army's future objective force;

Whereas elements of the 28th Infantry Division, under the command of Brigadier General John von Trott, will become the lead headquarters element of SFOR based at Eagle Base Tuzla, Bosnia, with approximately 1,100 soldiers of the Pennsylvania Army National Guard deploying as peacekeepers for six months; and

Whereas approximately 2,000 soldiers of the Pennsylvania Army National Guard, including soldiers from the 55th Brigade, the 1-213 ADA, the 876 EN, and numerous additional units from across the Commonwealth of Pennsylvania, will soon deploy as primary components of Task Force Keystone, providing enhanced security for United States forces based at NATO facilities in Germany, Belgium, Luxembourg, the Netherlands, and Italy: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress commends the soldiers and airman of the Pennsylvania National Guard, under the command of the Pennsylvania Adjutant General, Major General William B. Lynch, and Deputy Adjutant Generals, Major General James Skiff and Brigadier General Jessica Wright, for their exemplary service to the United

States in the war against terrorism and other recent deployments.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3808. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table.

SA 3809. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

SA 3810. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

SA 3811. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

SA 3812. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

SA 3813. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

SA 3814. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

SA 3815. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

SA 3816. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

SA 3817. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

SA 3818. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

SA 3819. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

SA 3820. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

SA 3821. Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

SA 3822. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

SA 3823. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

SA 3824. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 625, supra.

SA 3825. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

SA 3826. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3808. Mr. BYRD submitted an amendment intended to be proposed by

him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 8, after "orientation," insert "age,".

On page 5, line 24, after "orientation," insert "age,".

On page 10, line 25, after "orientation," insert "age,".

On page 11, line 9, after "orientation," insert "age,".

On page 13, line 14, after "orientation," insert "age,".

SA 3809. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, line 9, after "orientation," insert "pregnancy,".

SA 3810. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . DEFENSE OF HOME ACT.

(a) **RIGHT TO KEEP A FIREARM IN ONE'S HOME.** Notwithstanding any other provisions of law, a person may not be held criminally liable for the possession of a firearm, or ammunition suitable for use in such firearm, or for the manner in which such firearm was stored in the person's place of residence if each of the following are established by a preponderance of the evidence:

(1) The person has attained the age of 18 years of age, has not been convicted of a felony and is not otherwise prohibited by 18 U.S.C. 922(g) from possessing a firearm; and

(2) The possession occurred:

(A) in place in which the person has resided for 30 days or more; or

(B) the firearm was unloaded and the person was traveling to or from such place of residence for the purposes of transporting the firearm in connection with an otherwise lawful transaction or activity.

(b) **RIGHT TO DEFEND ONE'S HOME.**—Notwithstanding any other provision of law, a person shall have the right to use a firearm in defense of the person's home to prevent the commission of a felony by another or to prevent a reasonably perceived threat of serious bodily injury to an individual in the person's home.

(c) **ENFORCEMENT OF RIGHTS.**—A person shall be immune from prosecution in any state court or court of the United States for violation of any law relating to possession, use, transfer, receipt or transportation of a firearm, if it is established by a preponderance of the evidence that:

(1) The person's use, possession, transfer, or receipt of the firearm was in connection with an otherwise lawful act of self defense; and

(2) The person's conduct complied with the requirements of this section.

(d) **DEFINITIONS.**—For purposes of this section, the term firearm means a shotgun (as defined in 18 U.S.C. 921(a)(5)), a rifle (as defined in 18 U.S.C. 921(a)(7)), or a handgun (as defined in 18 U.S.C. 921(a)(29)).

SA 3811. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 9, before the period, insert the following: " , as does the incidence of sexual abuse of minors on the basis of their youth".

At the appropriate place, insert the following:

SEC. . DISCLOSURE BY EMPLOYER OF SUSPECTED SEXUAL ABUSER.

(a) **IN GENERAL.**—Chapter 110 of title 18, United States Code, is amended by adding at the end the following:

"§ 2260A. Disclosure by employer of suspected sexual abuser

"(a) Any person who has reasonable cause to suspect or know that they are employing, or otherwise exercising any supervisory role over, a suspected sexual abuser, shall immediately disclose that cause of suspicion or knowledge to Federal or State and local law enforcement officials.

"(b) Any person who exercises a supervisory role over a suspected sexual abuser who is in contact with minors shall suspend such suspected sexual abuser from duties that place such suspected sexual abuser in contact with such minors.

"(c) Any person who violates subsection (a) or (b) shall be imprisoned 60 days, fined \$10,000, or both.

"(d) For purposes of this section, the term 'sexual abuser' means any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, or assist any other person to engage in, any genital contact or other sexually explicit conduct, or any simulation of such conduct, rape, statutory rape, molestation, prostitution, or other form of sexual exploitation."

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The analysis for chapter 110 of title 18, United States Code, is amended by adding at the end the following:

"§ 2260A. Disclosure by employer of suspected sexual abuser."

SEC. . REPORT.

Not later than 6 months after the date of enactment of this Act, the Attorney General, in cooperation with the Secretary of Labor, shall report to Congress on the affect of the amendments made by this Act with respect to disclosure by employers of suspected sexual abusers.

SA 3812. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . DEFENSE AUTHORIZATION.

(a) The provisions of S. 2514 of the 107th Congress as reported by the Committee on Armed Services of the Senate on May 15, 2002, are hereby enacted into law.

(b) In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end appendixes setting forth the texts of the bills referred to in subsection (a) and the text of any other bill enacted into law by reference by reason of the enactment of this Act.

SA 3813. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

Add at the end the following:

() **CONTINGENT PROHIBITION ON AVAILABILITY OF FISCAL YEAR 2003 FUNDS FOR SUPPORT OF PALESTINIAN AUTHORITY.**—(1) Notwithstanding any other provision of law, no funds available to any department, agency, or other element of the Federal Government for fiscal year 2003 may be obligated or expended for the purpose, or in a manner which would have the effect, of supporting—

(A) the Palestinian Authority;

(B) any entity supported by the Palestinian Authority;

(C) any successor entity to the Palestinian Authority or an entity referred to in subparagraph (B); or

(D) any private, voluntary organization for—

(i) projects related to the Palestinian Authority; or

(ii) projects located in Palestine that would otherwise be undertaken by the Palestinian Authority or an entity referred to in paragraph (2) or (3).

(2) The prohibition in paragraph (1) shall cease to be effective upon the submittal by the President to Congress of a certification that neither the Palestinian Authority, nor any entity supported by the Palestinian Authority, has engaged in planning or carrying out any terrorist act during the six-month period ending on the date of the certification.

(3) For purposes of this subsection, support shall include direct and indirect support, whether such support is financial or otherwise, including support for the Holst Fund of the World Bank and the United Nations Relief and Works Agency.

SA 3814. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —HELPING EFFICIENT, ACCESSIBLE, LOW COST, TIMELY HEALTH CARE (HEALTH)

SEC. . 01. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—

(1) **EFFECT ON HEALTH CARE ACCESS AND COSTS.**—Congress finds that our current civil justice system is adversely affecting patient access to health care services, better patient care, and cost-efficient health care, in that the health care liability system is a costly and ineffective mechanism for resolving claims of health care liability and compensating injured patients, and is a deterrent to the sharing of information among health care professionals which impedes efforts to improve patient safety and quality of care.

(2) **EFFECT ON INTERSTATE COMMERCE.**—Congress finds that the health care and insurance industries are industries affecting interstate commerce and the health care liability litigation systems existing throughout the United States are activities that affect interstate commerce by contributing to the high costs of health care and premiums for health care liability insurance purchased by health care system providers.

(3) **EFFECT ON FEDERAL SPENDING.**—Congress finds that the health care liability litigation systems existing throughout the

United States have a significant effect on the amount, distribution, and use of Federal funds because of—

(A) the large number of individuals who receive health care benefits under programs operated or financed by the Federal Government;

(B) the large number of individuals who benefit because of the exclusion from Federal taxes of the amounts spent to provide them with health insurance benefits; and

(C) the large number of health care providers who provide items or services for which the Federal Government makes payments.

(b) PURPOSE.—It is the purpose of this title to implement reasonable, comprehensive, and effective health care liability reforms designed to—

(1) improve the availability of health care services in cases in which health care liability actions have been shown to be a factor in the decreased availability of services;

(2) reduce the incidence of “defensive medicine” and lower the cost of health care liability insurance, all of which contribute to the escalation of health care costs;

(3) ensure that persons with meritorious health care injury claims receive fair and adequate compensation, including reasonable noneconomic damages;

(4) improve the fairness and cost-effectiveness of our current health care liability system to resolve disputes over, and provide compensation for, health care liability by reducing uncertainty in the amount of compensation provided to injured individuals; and

(5) provide an increased sharing of information in the health care system which will reduce unintended injury and improve patient care.

SEC. 02. ENCOURAGING SPEEDY RESOLUTION OF CLAIMS.

A health care lawsuit may be commenced no later than 3 years after the date of injury or 1 year after the claimant discovers, or through the use of reasonable diligence should have discovered, the injury, whichever occurs first. In no event shall the time for commencement of a health care lawsuit exceed 3 years, except that in the case of an alleged injury sustained by a minor before the age of 6, a health care lawsuit may be commenced by or on behalf of the minor until the later of 3 years from the date of injury, or the date on which the minor attains the age of 8.

SEC. 03. COMPENSATING PATIENT INJURY.

(a) UNLIMITED AMOUNT OF DAMAGES FOR ACTUAL ECONOMIC LOSSES IN HEALTH CARE LAWSUITS.—In any health care lawsuit, the full amount of a claimant's economic loss may be fully recovered without limitation.

(b) ADDITIONAL NONECONOMIC DAMAGES.—In any health care lawsuit, the amount of noneconomic damages recovered may be as much as \$250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence.

(c) NO DISCOUNT OF AWARD FOR NONECONOMIC DAMAGES.—In any health care lawsuit, an award for future noneconomic damages shall not be discounted to present value. The jury shall not be informed about the maximum award for noneconomic damages. An award for noneconomic damages in excess of \$250,000 shall be reduced either before the entry of judgment, or by amendment of the judgment after entry of judgment, and such reduction shall be made before accounting for any other reduction in damages required by law. If separate awards are rendered for past and future noneconomic damages and the combined awards exceed \$250,000, the future noneconomic damages shall be reduced first.

(d) FAIR SHARE RULE.—In any health care lawsuit, each party shall be liable for that party's several share of any damages only and not for the share of any other person. Each party shall be liable only for the amount of damages allocated to such party in direct proportion to such party's percentage of responsibility. A separate judgment shall be rendered against each such party for the amount allocated to such party. For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

SEC. 04. MAXIMIZING PATIENT RECOVERY.

(a) COURT SUPERVISION OF SHARE OF DAMAGES ACTUALLY PAID TO CLAIMANTS.—In any health care lawsuit, the court shall supervise the arrangements for payment of damages to protect against conflicts of interest that may have the effect of reducing the amount of damages awarded that are actually paid to claimants. In particular, in any health care lawsuit in which the attorney for a party claims a financial stake in the outcome by virtue of a contingent fee, the court shall have the power to restrict the payment of a claimant's damage recovery to such attorney, and to redirect such damages to the claimant based upon the interests of justice and principles of equity. In no event shall the total of all contingent fees for representing all claimants in a health care lawsuit exceed the following limits:

(1) 40 percent of the first \$50,000 recovered by the claimant(s).

(2) 33½ percent of the next \$50,000 recovered by the claimant(s).

(3) 25 percent of the next \$500,000 recovered by the claimant(s).

(4) 15 percent of any amount by which the recovery by the claimant(s) is in excess of \$600,000.

(b) APPLICABILITY.—The limitations in this section shall apply whether the recovery is by judgment, settlement, mediation, arbitration, or any other form of alternative dispute resolution. In a health care lawsuit involving a minor or incompetent person, a court retains the authority to authorize or approve a fee that is less than the maximum permitted under this section.

SEC. 05. ADDITIONAL HEALTH BENEFITS.

In any health care lawsuit, any party may introduce evidence of collateral source benefits. If a party elects to introduce such evidence, any opposing party may introduce evidence of any amount paid or contributed or reasonably likely to be paid or contributed in the future by or on behalf of the opposing party to secure the right to such collateral source benefits. No provider of collateral source benefits shall recover any amount against the claimant or receive any lien or credit against the claimant's recovery or be equitably or legally subrogated to the right of the claimant in a health care lawsuit. This section shall apply to any health care lawsuit that is settled as well as a health care lawsuit that is resolved by a fact finder.

SEC. 06. PUNITIVE DAMAGES.

(a) IN GENERAL.—Punitive damages may, if otherwise permitted by applicable State or Federal law, be awarded against any person in a health care lawsuit only if it is proven by clear and convincing evidence that such person acted with malicious intent to injure the claimant, or that such person deliberately failed to avoid unnecessary injury that such person knew the claimant was substantially certain to suffer. In any health care lawsuit where no judgment for compensatory damages is rendered against such person, no punitive damages may be awarded with respect to the claim in such lawsuit. No demand for punitive damages shall be included in a health care lawsuit as initially

filed. A court may allow a claimant to file an amended pleading for punitive damages only upon a motion by the claimant and after a finding by the court, upon review of supporting and opposing affidavits or after a hearing, after weighing the evidence, that the claimant has established by a substantial probability that the claimant will prevail on the claim for punitive damages. At the request of any party in a health care lawsuit, the trier of fact shall consider in a separate proceeding—

(1) whether punitive damages are to be awarded and the amount of such award; and

(2) the amount of punitive damages following a determination of punitive liability. If a separate proceeding is requested, evidence relevant only to the claim for punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(b) DETERMINING AMOUNT OF PUNITIVE DAMAGES.—

(1) FACTORS CONSIDERED.—In determining the amount of punitive damages, the trier of fact shall consider only the following:

(A) the severity of the harm caused by the conduct of such party;

(B) the duration of the conduct or any concealment of it by such party;

(C) the profitability of the conduct to such party;

(D) the number of products sold or medical procedures rendered for compensation, as the case may be, by such party, of the kind causing the harm complained of by the claimant;

(E) any criminal penalties imposed on such party, as a result of the conduct complained of by the claimant; and

(F) the amount of any civil fines assessed against such party as a result of the conduct complained of by the claimant.

(2) MAXIMUM AWARD.—The amount of punitive damages awarded in a health care lawsuit may be up to as much as two times the amount of economic damages awarded or \$250,000, whichever is greater. The jury shall not be informed of this limitation.

(c) NO CIVIL MONETARY PENALTIES FOR PRODUCTS THAT COMPLY WITH FDA STANDARDS.—

(1) IN GENERAL.—No punitive damages may be awarded against the manufacturer or distributor of a medical product based on a claim that such product caused the claimant's harm where—

(A)(i) such medical product was subject to premarket approval or clearance by the Food and Drug Administration with respect to the safety of the formulation or performance of the aspect of such medical product which caused the claimant's harm or the adequacy of the packaging or labeling of such medical product; and

(ii) such medical product was so approved or cleared; or

(B) such medical product is generally recognized among qualified experts as safe and effective pursuant to conditions established by the Food and Drug Administration and applicable Food and Drug Administration regulations, including without limitation those related to packaging and labeling.

(2) LIABILITY OF HEALTH CARE PROVIDERS.—A health care provider who prescribes a drug or device (including blood products) approved by the Food and Drug Administration shall not be named as a party to a product liability lawsuit involving such drug or device and shall not be liable to a claimant in a class action lawsuit against the manufacturer, distributor, or product seller of such drug or device.

(3) PACKAGING.—In a health care lawsuit for harm which is alleged to relate to the adequacy of the packaging or labeling of a

drug which is required to have tamper-resistant packaging under regulations of the Secretary of Health and Human Services (including labeling regulations related to such packaging), the manufacturer or product seller of the drug shall not be held liable for punitive damages unless such packaging or labeling is found by the trier of fact by clear and convincing evidence to be substantially out of compliance with such regulations.

(4) **EXCEPTION.**—Paragraph (1) shall not apply in any health care lawsuit in which—

(A) a person, before or after premarket approval or clearance of such medical product, knowingly misrepresented to or withheld from the Food and Drug Administration information that is required to be submitted under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or section 351 of the Public Health Service Act (42 U.S.C. 262) that is material and is causally related to the harm which the claimant allegedly suffered; or

(B) a person made an illegal payment to an official of the Food and Drug Administration for the purpose of either securing or maintaining approval or clearance of such medical product.

SEC. 07. AUTHORIZATION OF PAYMENT OF FUTURE DAMAGES TO CLAIMANTS IN HEALTH CARE LAWSUITS.

(a) **IN GENERAL.**—In any health care lawsuit, if an award of future damages, without reduction to present value, equaling or exceeding \$50,000 is made against a party with sufficient insurance or other assets to fund a periodic payment of such a judgment, the court shall, at the request of any party, enter a judgment ordering that the future damages be paid by periodic payments in accordance with the Uniform Periodic Payment of Judgments Act promulgated by the National Conference of Commissioners on Uniform State Laws.

(b) **APPLICABILITY.**—This section applies to all actions which have not been first set for trial or retrial before the effective date of this title.

SEC. 08. DEFINITIONS.

In this title:

(1) **ALTERNATIVE DISPUTE RESOLUTION SYSTEM; ADR.**—The term “alternative dispute resolution system” or “ADR” means a system that provides for the resolution of health care lawsuits in a manner other than through a civil action brought in a State or Federal court.

(2) **CLAIMANT.**—The term “claimant” means any person who brings a health care lawsuit, including a person who asserts or claims a right to legal or equitable contribution, indemnity or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent, or a minor.

(3) **COLLATERAL SOURCE BENEFITS.**—The term “collateral source benefits” means any amount paid or reasonably likely to be paid in the future to or on behalf of the claimant, or any service, product or other benefit provided or reasonably likely to be provided in the future to or on behalf of the claimant, as a result of the injury or wrongful death, pursuant to—

(A) any State or Federal health, sickness, income-disability, accident, or workers’ compensation law;

(B) any health, sickness, income-disability, or accident insurance that provides health benefits or income-disability coverage;

(C) any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the cost of medical, hospital, dental, or income disability benefits; and

(D) any other publicly or privately funded program.

(4) **COMPENSATORY DAMAGES.**—The term “compensatory damages” means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities, damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature. The term “compensatory damages” includes economic damages and non-economic damages, as such terms are defined in this section.

(5) **CONTINGENT FEE.**—The term “contingent fee” includes all compensation to any person or persons which is payable only if a recovery is effected on behalf of one or more claimants.

(6) **ECONOMIC DAMAGES.**—The term “economic damages” means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities.

(7) **HEALTH CARE LAWSUIT.**—The term “health care lawsuit” means any health care liability claim concerning the provision of health care goods or services affecting interstate commerce, or any health care liability action concerning the provision of health care goods or services affecting interstate commerce, brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of claimants, plaintiffs, defendants, or other parties, or the number of claims or causes of action, in which the claimant alleges a health care liability claim.

(8) **HEALTH CARE LIABILITY ACTION.**—The term “health care liability action” means a civil action brought in a State or Federal Court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action, in which the claimant alleges a health care liability claim.

(9) **HEALTH CARE LIABILITY CLAIM.**—The term “health care liability claim” means a demand by any person, whether or not pursuant to ADR, against a health care provider, health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, including, but not limited to, third-party claims, cross-claims, counter-claims, or contribution claims, which are based upon the provision of, use of, or payment for (or the failure to provide, use, or pay for) health care services or medical products, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action.

(10) **HEALTH CARE ORGANIZATION.**—The term “health care organization” means any person or entity which is obligated to provide or pay for health benefits under any health plan, including any person or entity acting under a contract or arrangement with a health care organization to provide or administer any health benefit.

(11) **HEALTH CARE PROVIDER.**—The term “health care provider” means any person or entity required by State or Federal laws or regulations to be licensed, registered, or certified to provide health care services, and being either so licensed, registered, or certified, or exempted from such requirement by other statute or regulation.

(12) **HEALTH CARE GOODS OR SERVICES.**—The term “health care goods or services” means any goods or services provided by a health care organization, provider, or by any individual working under the supervision of a health care provider, that relates to the diagnosis, prevention, or treatment of any human disease or impairment, or the assessment of the health of human beings.

(13) **MALICIOUS INTENT TO INJURE.**—The term “malicious intent to injure” means intentionally causing or attempting to cause physical injury other than providing health care goods or services.

(14) **MEDICAL PRODUCT.**—The term “medical product” means a drug or device intended for humans, and the terms “drug” and “device” have the meanings given such terms in sections 201(g)(1) and 201(h) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321), respectively, including any component or raw material used therein, but excluding health care services.

(15) **NONECONOMIC DAMAGES.**—The term “noneconomic damages” means damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(16) **PUNITIVE DAMAGES.**—The term “punitive damages” means damages awarded, for the purpose of punishment or deterrence, and not solely for compensatory purposes, against a health care provider, health care organization, or a manufacturer, distributor, or supplier of a medical product. Punitive damages are neither economic nor non-economic damages.

(17) **RECOVERY.**—The term “recovery” means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim, including all costs paid or advanced by any person. Costs of health care incurred by the plaintiff and the attorneys’ office overhead costs or charges for legal services are not deductible disbursements or costs for such purpose.

(18) **STATE.**—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

SEC. 09. EFFECT ON OTHER LAWS.

(a) **VACCINE INJURY.**—

(1) **IN GENERAL.**—To the extent that title XXI of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a vaccine-related injury or death—

(A) this title does not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this title in conflict with a rule of law of such title XXI shall not apply to such action.

(2) APPLICATION OF TITLE TO CERTAIN ACTIONS.—If there is an aspect of a civil action brought for a vaccine-related injury or death to which a Federal rule of law under title XXI of the Public Health Service Act does not apply, then this title or otherwise applicable law (as determined under this title) will apply to such aspect of such action.

(b) OTHER FEDERAL LAW.—Except as provided in this section, nothing in this title shall be deemed to affect any defense available to a defendant in a health care lawsuit or action under any other provision of Federal law.

SEC. 10. STATE FLEXIBILITY AND PROTECTION OF STATES' RIGHTS.

(a) HEALTH CARE LAWSUITS.—The provisions governing health care lawsuits set forth in this title preempt, subject to subsections (b) and (c), State law to the extent that State law prevents the application of any provisions of law established by or under this title. The provisions governing health care lawsuits set forth in this title supersede chapter 171 of title 28, United States Code, to the extent that such chapter—

(1) provides for a greater amount of damages or contingent fees, a longer period in which a health care lawsuit may be commenced, or a reduced applicability or scope of periodic payment of future damages, than provided in this title; or

(2) prohibits the introduction of evidence regarding collateral source benefits, or mandates or permits subrogation or a lien on collateral source benefits.

(b) PROTECTION OF STATES' RIGHTS.—Any issue that is not governed by any provision of law established by or under this title (including State standards of negligence) shall be governed by otherwise applicable State or Federal law. This title does not preempt or supersede any law that imposes greater protections (such as a shorter statute of limitations) for health care providers and health care organizations from liability, loss, or damages than those provided by this title.

(c) STATE FLEXIBILITY.—No provision of this title shall be construed to preempt—

(1) any State statutory limit (whether enacted before, on, or after the date of the enactment of this title) on the amount of compensatory or punitive damages (or the total amount of damages) that may be awarded in a health care lawsuit, whether or not such State limit permits the recovery of a specific dollar amount of damages that is greater or lesser than is provided for under this title, notwithstanding section 3(a); or

(2) any defense available to a party in a health care lawsuit under any other provision of State or Federal law.

SEC. 101. APPLICABILITY; EFFECTIVE DATE.

This title shall apply to any health care lawsuit brought in a Federal or State court, or subject to an alternative dispute resolution system, that is initiated on or after the date of the enactment of this title, except that any health care lawsuit arising from an injury occurring prior to the date of the enactment of this title shall be governed by the applicable statute of limitations provisions in effect at the time the injury occurred.

SA 3815. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1. NEWSPAPER THEFT IN VIOLATION OF FIRST AMENDMENT RIGHTS.

(a) OFFENSE.—

(1) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by inserting at the end the following:

“§249. Newspaper theft in violation of first amendment rights

“(a) NEWSPAPER DEFINED.—In this section, the term ‘newspaper’ means any periodical that is distributed on a complimentary or compensatory basis on or near a college or university.

“(b) ELEMENTS OF OFFENSE.—Whoever willfully or knowingly obtains or exerts unauthorized control over newspapers, or destroys such newspapers, with the intent to prevent other individuals from reading the newspapers shall be punished as provided in subsection (c).

“(c) PENALTY.—A person who violates this section is guilty of a class C misdemeanor.”.

(2) CHAPTER ANALYSIS.—The chapter analysis for chapter 13 of title 18, United States Code, is amended by inserting at the end the following:

“249. Newspaper theft in violation of first amendment rights.”.

(b) STUDY.—The Attorney General, in cooperation with the Secretary of Education, shall—

(1) not later than 6 months after the date of enactment of this Act, report to Congress on the frequency and extent of newspaper theft on college and university campuses; and

(2) work with States and local jurisdictions on developing laws and ordinances that are substantially similar to section 249 of title 18, United States Code, as added by subsection (a).

SA 3816. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 9, before the period, insert the following: “, as does the incidence of sexual abuse of minors on the basis of their youth”.

On page 13, between lines 4 and 5, insert the following:

“(3) OFFENSES INVOLVING THE SEXUAL ABUSE OF PRE-PUBESCENT CHILDREN AND OTHER MINORS.—

“(A) IN GENERAL.—Any person who engages in any act of sexual abuse of pre-pubescent children or any person who is in a position of authority and engages in any act of sexual abuse of post-pubescent minors shall be fined in accordance with this title, imprisoned not less than 1 year and not more than 5 years, or both.

“(B) DEFINITION.—For purposes of this paragraph, the term ‘sexual abuse’ means employment, use, persuasion, inducement, enticement, or coercion of any minor to engage in, or assist any other person to engage in, any genital contact or other sexually explicit conduct, or any simulation of such conduct, rape, statutory rape, molestation, prostitution, or other form of sexual exploitation.

At the appropriate place, insert the following:

SEC. 1. SEXUAL ABUSE OF CHILDREN AND OTHER MINORS.

Section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note) is amended—

(1) by striking “means a crime” and inserting the following: “means—

“(1) a crime”; and

(2) by striking the period at the end and inserting the following: “; and

“(2) an offense involving the sexual abuse of pre-pubescent children or the sexual abuse

or post-pubescent minors by a person who is in a position of authority, as described in section 249(a)(3) of title 18.”.

SEC. 1. REPORT.

Not later than 6 months after the date of enactment of this Act, the Attorney General, in cooperation with the Secretary of Labor, shall report to Congress on the effect of the amendments made by this Act with respect to hate crime offenses involving the sexual abuse of minors.

SA 3817. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 25, after “ORIENTATION,” insert “AGE,”.

On page 11, line 9, after “orientation,” insert “age,”.

SA 3818. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 8, after “orientation,” insert “age,”.

On page 5, line 24, after “orientation,” insert “age,”.

On page 10, line 25, after “ORIENTATION,” insert “AGE,”.

On page 11, line 9, after “orientation,” insert “age,”.

On page 13, line 14, after “orientation,” insert “age,”.

SA 3819. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, line 9, after “orientation,” insert “law enforcement officials, including State and Federal prosecutors, judges, firefighters, and law enforcement officers,”.

SA 3820. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, line 9, after “orientation,” insert “union membership or lack thereof,”.

SA 3821. Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, between lines 3 and 4, insert the following:

(11) Many Alaska Natives were subject to slavery prior to the purchase of Alaska by the United States in 1867. Since that time, language and cultural barriers have made it difficult for Alaska Natives to understand the nuances of the United States judicial system. Many Alaska Natives have been victimized by racial discrimination, leading to a widespread perception among Alaska Native leaders of racial bias against the Alaska Native community.

On page 4, line 4, strike “(11)” and insert “(12)”.

On page 4, line 17, strike “(12)” and insert “(13)”.

On page 4, line 21, strike “(13)” and insert “(14)”.

SA 3822. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, strike line 14 and all that follows through page 11, line 23, and insert the following:

both;

“(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill; and

“(C) shall be punished by death or imprisonment for any term of years or for life, or both, if death results from the offense, provided that the State in which the offense was committed would have provided for the punishment of death if the offense was prosecuted under the laws of such State.

“(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, OR DISABILITY.—

“(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, or disability of any person—

“(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both;

“(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill; and

“(iii) shall be punished by death or imprisonment for any term of years or for life, or both, if death results from the offense, provided that the State in which the offense was committed would have provided for the punishment of death if the offense was prosecuted under the laws of such State.

SA 3823. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 13, strike line 23 and all that follows through page 14, line 6, and insert the following:

“(B) the State has requested that the Federal Government assume jurisdiction; or

“(C) the State does not object to the Federal Government assuming jurisdiction.”

SA 3824. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; as follows:

On page 10, strike line 14 and all that follows through page 11, line 23, and insert the following:

both;

“(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill; and

“(C) shall be punished by death or imprisonment for any term of years or for life, or both, if death results from the offense.

“(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, OR DISABILITY.—

“(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, or disability of any person—

“(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both;

“(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill; and

“(iii) shall be punished by death or imprisonment for any term of years or for life, or both, if death results from the offense.

SA 3825. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION . COMPREHENSIVE STUDY AND SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) STUDIES.—

(1) COLLECTION OF DATA.—

(A) DEFINITION OF RELEVANT OFFENSE.—In this subsection, the term “relevant offense” means a crime described in section 1(b)(1) of the Hate Crimes Statistics Act (28 U.S.C. 534 note) and a crime that manifests evidence of prejudice based on gender or age.

(B) COLLECTION FROM CROSS-SECTION OF STATES.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors’ Association, shall select 5 jurisdictions with laws classifying certain types of offenses as relevant offenses and 5 jurisdictions without such laws from which to collect the data described in subparagraph (C) over a 12-month period.

(C) DATA TO BE COLLECTED.—The data described in this subparagraph are—

(i) the number of relevant offenses that are reported and investigated in the jurisdiction;

(ii) the percentage of relevant offenses that are prosecuted and the percentage that result in conviction;

(iii) the duration of the sentences imposed for crimes classified as relevant offenses in the jurisdiction, compared with the length of sentences imposed for similar crimes committed in jurisdictions with no laws relating to relevant offenses; and

(iv) references to and descriptions of the laws under which the offenders were punished.

(D) COSTS.—Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data collected under this paragraph.

(2) STUDY OF RELEVANT OFFENSE ACTIVITY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall complete a study and submit to Congress a report that analyzes the data collected under paragraph (1) and under section 534 of title 28, United States Code, to determine the extent of relevant offense activity throughout the United States and the success of State and local officials in combating that activity.

(B) IDENTIFICATION OF TRENDS.—In the study conducted under subparagraph (A), the Comptroller General of the United States shall identify any trends in the commission of relevant offenses specifically by—

(i) geographic region;

(ii) type of crime committed; and

(iii) the number and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(b) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—At the request of a law enforcement official of a State or a political subdivision of a State, and in cases where the Attorney General determines special circumstances exist, the Attorney General, acting through the Director of the Federal Bureau of Investigation may provide technical, forensic, prosecutorial, or any other assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State; and

(3) is motivated by animus against the victim by reason of the victim’s actual or perceived race, color, religion, national origin, or sexual orientation.

(c) APPOINTMENT OF LIAISONS.—

(1) IN GENERAL.—The Attorney General, or a designee of the Attorney General, shall appoint not less than 1 Assistant United States Attorney in every Federal jurisdiction in the United States to act as a liaison for State and local prosecutions of the offenses specified in subsection (b).

(2) RESPONSIBILITIES.—The liaisons appointed under paragraph (1)—

(A) shall ensure that any State and local requests for assistance are timely processed; and

(B) may assist the State and local investigation or prosecution in any way consistent with Department of Justice policy, including obtaining wiretaps pursuant to chapter 119 of title 18, United States Code, or obtaining search warrants from a United States District Court.

(d) GRANTS.—

(1) IN GENERAL.—The Attorney General may, in cases where the Attorney General determines special circumstances exist, make grants to States and local subdivisions of States to assist those entities in the investigation and prosecution of crimes motivated by animus against the victim by reason of the victim’s actual or perceived race, color, religion, national origin, or sexual orientation.

(2) ELIGIBILITY.—A State or political subdivision of a State applying for assistance under this subsection shall—

(A) describe the purposes for which the grant is needed; and

(B) certify that the State or political subdivision lacks the resources necessary to investigate or prosecute a crime motivated by

animus against the victim by reason of the membership of the victim in a particular class or group.

(3) **DEADLINE.**—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 10 days after the application is submitted.

(4) **GRANT AMOUNT.**—A grant under this subsection shall not exceed \$100,000 for any single case, absent a certification from the Attorney General, or a designee of the Attorney General, that special circumstances warranting additional funds exist.

(5) **REPORT AND AUDIT.**—Not later than December 31, 2003, the Attorney General, in consultation with the National Governors' Association, shall—

(A) submit to Congress a report describing the applications made for grants under this subsection, the award of such grants, and the effectiveness of the grant funds awarded; and

(B) conduct an audit of the grants awarded under this subsection to ensure that such grants are used for the purposes provided in this subsection.

(6) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$5,000,000 for each of the fiscal years 2003 and 2004 to carry out this section.

SA 3826. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 625 to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. COMPREHENSIVE STUDY AND SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) **STUDIES.**—

(1) **COLLECTION OF DATA.**—

(A) **DEFINITION OF RELEVANT OFFENSE.**—In this subsection, the term "relevant offense" means a crime described in section 1(b)(1) of the Hate Crimes Statistics Act (28 U.S.C. 534 note) and a crime that manifests evidence of prejudice based on gender or age.

(B) **COLLECTION FROM CROSS-SECTION OF STATES.**—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors' Association, shall select 5 jurisdictions with laws classifying certain types of offenses as relevant offenses and 5 jurisdictions without such laws from which to collect the data described in subparagraph (C) over a 12-month period.

(C) **DATA TO BE COLLECTED.**—The data described in this subparagraph are—

(i) the number of relevant offenses that are reported and investigated in the jurisdiction;

(ii) the percentage of relevant offenses that are prosecuted and the percentage that result in conviction;

(iii) the duration of the sentences imposed for crimes classified as relevant offenses in the jurisdiction, compared with the length of sentences imposed for similar crimes committed in jurisdictions with no laws relating to relevant offenses; and

(iv) references to and descriptions of the laws under which the offenders were punished.

(D) **COSTS.**—Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data collected under this paragraph.

(2) **STUDY OF RELEVANT OFFENSE ACTIVITY.**—

(A) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act, the

Comptroller General of the United States shall complete a study and submit to Congress a report that analyzes the data collected under paragraph (1) and under section 534 of title 28, United States Code, to determine the extent of relevant offense activity throughout the United States and the success of State and local officials in combating that activity.

(B) **IDENTIFICATION OF TRENDS.**—In the study conducted under subparagraph (A), the Comptroller General of the United States shall identify any trends in the commission of relevant offenses specifically by—

(i) geographic region;

(ii) type of crime committed; and

(iii) the number and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(b) **ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.**—At the request of a law enforcement official of a State or a political subdivision of a State, and in cases where the Attorney General determines special circumstances exist, the Attorney General, acting through the Director of the Federal Bureau of Investigation may provide technical, forensic, prosecutorial, or any other assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State; and

(3) is motivated by animus against the victim by reason of the victim's actual or perceived race, color, religion, national origin, or sexual orientation.

(c) **APPOINTMENT OF LIAISONS.**—

(1) **IN GENERAL.**—The Attorney General, or a designee of the Attorney General, shall appoint not less than 1 Assistant United States Attorney in every Federal jurisdiction in the United States to act as a liaison for State and local prosecutions of the offenses specified in subsection (b).

(2) **RESPONSIBILITIES.**—The liaisons appointed under paragraph (1)—

(A) shall ensure that any State and local requests for assistance are timely processed; and

(B) may assist the State and local investigation or prosecution in any way consistent with Department of Justice policy, including obtaining wiretaps pursuant to chapter 119 of title 18, United States Code, or obtaining search warrants from a United States District Court.

(d) **GRANTS.**—

(1) **IN GENERAL.**—The Attorney General may, in cases where the Attorney General determines special circumstances exist, make grants to States and local subdivisions of States to assist those entities in the investigation and prosecution of crimes motivated by animus against the victim by reason of the victim's actual or perceived race, color, religion, national origin, or sexual orientation.

(2) **ELIGIBILITY.**—A State or political subdivision of a State applying for assistance under this subsection shall—

(A) describe the purposes for which the grant is needed; and

(B) certify that the State or political subdivision lacks the resources necessary to investigate or prosecute a crime motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(3) **DEADLINE.**—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 10 days after the application is submitted.

(4) **GRANT AMOUNT.**—A grant under this subsection shall not exceed \$100,000 for any

single case, absent a certification from the Attorney General, or a designee of the Attorney General, that special circumstances warranting additional funds exist.

(5) **REPORT AND AUDIT.**—Not later than December 31, 2003, the Attorney General, in consultation with the National Governors' Association, shall—

(A) submit to Congress a report describing the applications made for grants under this subsection, the award of such grants, and the effectiveness of the grant funds awarded; and

(B) conduct an audit of the grants awarded under this subsection to ensure that such grants are used for the purposes provided in this subsection.

(6) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$5,000,000 for each of the fiscal years 2003 and 2004 to carry out this section.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Tuesday, June 11, 2002, at 1:30 p.m. in room 485 of the Russell Senate Office Building to conduct an oversight hearing on the work of the U.S. Department of Interior's Branch of Acknowledgment and Research within the Bureau of Indian Affairs.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will take place Tuesday, June 18th, 2002, beginning at 2:30 p.m., in room 366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to receive testimony on the following bills:

S. 198, to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land;

S. 1846, to prohibit oil and gas drilling in Finger Lakes National Forest in the State of New York;

S. 1879, to resolve the claims of Cook Inlet Region, Inc., to lands adjacent to the Russian River in the State of Alaska;

S. 2222, to establish certain conveyances and provide for alternative land selections under the Alaska Native Claims Settlement Act related to Cape Fox Corporation and Sealaska Corporation;

S. 2471, to provide for the independent investigation of Federal wildland firefighter fatalities; and

S. 2483, to direct the Secretary of the Interior to grant to Deschutes and Crook Counties in the State of Oregon a right-of-way to West Butte Road.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those