

the 400th anniversary of the Jamestown settlement.

S. 1180

At the request of Mr. SANTORUM, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1180, a bill to amend the Internal Revenue Code of 1986 to modify the work opportunity credit and the welfare-to-work credit.

S. 1246

At the request of Mr. ROBERTS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1246, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1298

At the request of Mr. AKAKA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1595

At the request of Mr. KERRY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1595, a bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax with respect to employees who participate in the military reserve components and are called to active duty and with respect to replacement employees and to allow a comparable credit for activated military reservists who are self-employed individuals, and for other purposes.

S. 1664

At the request of Mr. COCHRAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1664, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to provide for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, and to extend and improve the collection of maintenance fees.

S. 1736

At the request of Mr. ENZI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1736, a bill to promote simplification and fairness in the administration and collection of sales and use taxes.

S. 1780

At the request of Mr. BIDEN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1780, a bill to amend the Controlled Substances Act to clarify the defini-

tion of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors.

S. 1794

At the request of Mr. SANTORUM, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1794, a bill to suspend temporarily the duty on electron guns for cathode ray tubes (CRT's) with a high definition television screen aspect ratio of 16:9 and other parts used in plasma and LCD televisions.

S. 1795

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1795, a bill to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures.

S. CON. RES. 73

At the request of Mrs. FEINSTEIN, the names of the Senator from Georgia (Mr. MILLER) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. Con. Res. 73, a concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

S. CON. RES. 75

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Con. Res. 75, a concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued to promote public awareness of Down syndrome.

S. RES. 202

At the request of Mr. CAMPBELL, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 202, a resolution expressing the sense of the Senate regarding the genocidal Ukraine Famine of 1932-33.

S. RES. 244

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 244, a resolution congratulating Shirin Ebadi for winning the 2003 Nobel Peace Prize and commending her for her lifetime of work to promote democracy and human rights.

AMENDMENT NO. 1966

At the request of Mr. DEWINE, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 1966 proposed to H.R. 2800, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1977

At the request of Mrs. FEINSTEIN, the names of the Senator from New York

(Mrs. CLINTON), the Senator from Vermont (Mr. JEFFORDS) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 1977 proposed to H.R. 2800, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS (for himself, Mr. BREAUX, Ms. SNOWE, Mrs. BOXER, Mr. GRAHAM of South Carolina, Mr. CHAFEE and Mr. REED):

S. 1798. A bill to provide for comprehensive fire safety standards for upholstered furniture, mattresses, bed-clothing, and candles; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, this Congress has worked towards providing the brave men and women who fight fires the funds and material to better perform their crucial tasks. We all saw brave members of the fire service sacrifice their lives to rescue people from the World Trade Center. But we do not see firefighters in every town in America risking their lives every day to save lives and homes from the ravages of fire. I lost a home to a severe fire, and I saw the herculean efforts of my local firefighters to save it. Too many people die or suffer grievous injuries from home fires. During a recent visit with the firefighters from my home State of South Carolina, they told me that in spite of their best efforts, nearly 40 people die each year from home fires.

In my conversations with fire services across the country, I hear two things. First, the departments need funds for equipment and training. With the Firefighter Investment and Response Enhancement grant program, we are on our way to getting these people the resources they need to do their job. There is more work to do, but this grant program is a start. Second, and most troubling, is that the best-equipped and best-trained fire departments cannot out race most home fires.

A recent FEMA-commissioned study from the National Fire Protection Association reported that 65 percent of our fire departments cannot respond within 4 minutes of receiving an alarm. The fire that engulfed the nightclub in Rhode Island is an unfortunate example of what we are dealing with in regard to fire fighting and fire safety. The fire department arrived within 5 minutes of the fire starting, which is exceptionally fast, yet 100 people died that night. Most of them died within 2 minutes of the fire starting.

Addressing the equipment and training of the fire service is one very important component to fighting fires. We've begun to address this need in recent years with the Firefighter Investment and Response Enhancement

(FIRE) Act, which I co-sponsored and helped move through the Commerce Committee in 2000. This established the FIRE grants that have helped local fire departments across the country acquire the equipment and training to improve their operations. I've also worked with Senator CHRIS DODD, D-CT, on the Staffing for Adequate Fire and Emergency Response (SAFER) Act, which would provide the funding to hire 75,000 new firefighters. The legislation is modeled on the success of the COPS program.

But the soundproofing materials that fed that fire in Rhode Island are identical to ingredients used in furniture in our homes. Indeed, the majority of fire deaths occur in homes. So we must address the underlying causes of home fires, the fuel that feeds them. We need to reduce the ignition potential of household items.

In 1998, residential fires killed 2,660 Americans, and injured 15,260. Senior citizens over 70 and children under 5 are at the greatest risk of dying in a fire; children under the age of 10 accounted for 17 percent of fire-related deaths in 1996. Fires also cause \$3.5 billion in residential property loss each year.

It is in this context that Senators JOHN BREAUX, D-LA, OLYMPIA SNOWE, R-ME, BARBARA BOXER, D-CA, BYRON DORGAN, D-ND, LINDSEY GRAHAM, R-SC and I introduce the American Home Fire Safety Act. The Act would establish minimum combustibility standards for mattresses, upholstered furniture, candles and bed clothing. American manufacturers already have cost-effective technology to improve the safety of these products, and are ready to make products that meet the higher standards.

The United States Consumer Product Safety Commission already has the authority to set fire safety standards for these products. Yet, despite overwhelming evidence that new standards would save lives, the Commission has been slow to address this issue. There are some who ask for more time for the Commission to work on this issue. More than 20 years have passed since the Commission has addressed product fire safety. There is no more time to waste.

We have taken great care to select standards that were developed with the best available science and broad input from scientists at NIST and ASTM, fire safety officials, industry and consumers. The Act explicitly asks the EPA to ensure that nothing done in the pursuit of fire safety would harm Americans in other ways. The standards in the Act will improve safety and over time will save many lives.

Companies have the technology right now to address fire safety in an economically responsible way. The number of lives we lose now to home fires can be dramatically reduced by the standards in this legislation. I ask for your support in making this a reality.

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. 1798

*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 "American Home Fire Safety Act".

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress makes the following findings:

(1) There were 12,800 candle fires in 1998, resulting in 170 deaths, 1,200 civilian injuries, and \$174,600,000 in property damage.

(2) In 1998, mattress and bedding fires caused 410 deaths, 2,260 civilian injuries, and \$255,400,000 in property damage.

(3) The United States mattress industry has a long history of working closely with safety officials to reduce mattress flammability. For the past 25 years, mattresses have been subject to a Federal flammability standard that requires mattresses to resist ignition by smoldering cigarettes.

(4) Nevertheless, in 1998, fires involving mattresses and bedding accessories (which include pillows, comforters, and bedspreads) caused 410 deaths, 2,260 civilian injuries, and \$255,400,000 in property damage.

(5) In many such fires, the bedding accessories are the first products to ignite. Such products have a material impact on the fire's intensity, duration, and the risk that the fire will spread beyond the room of origin.

(6) Upholstered furniture fires were responsible for 520 deaths in 1998, with little statistical change in the number of fires and deaths since 1994.

(7) While the fire death rates for upholstered furniture fires have dropped during the period 1982 through 1994 for both California and the entire Nation, death rates in California, which has stricter standards, have dropped by a larger percentage than the nation as a whole.

(8) Children, the elderly, and lower income families are at higher risk of death and injury from upholstered furniture fires caused primarily by the increasing incidents of children playing with matches, candles, lighters, or other small open flames.

(9) In view of the increased incidents of fire, it is important for Congress to establish fire safety standards for candles, mattresses, bed clothing, and upholstered furniture.

(10) The Consumer Product Safety Commission is the appropriate agency to develop and enforce such standards.

(11) The Environmental Protection Agency should continue to review and determine the suitability of any materials used to meet any fire safety standard established as a result of this Act.

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

(1) to protect the public against death and injury from fires associated with candles, mattresses, bed clothing, and upholstered furniture; and

(2) to require the Consumer Product Safety Commission to develop and issue comprehensive uniform safety standards to reduce the flammability of candles, mattresses, bed clothing, and upholstered furniture.

**SEC. 3. CONSUMER PRODUCT FIRE SAFETY STANDARDS.**

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Consumer Product Safety Commission shall promulgate, as final consumer product safety standards under section 9 of the Consumer Prod-

uct Safety Act (15 U.S.C. 2058), the following fire safety standards:

(1) UPHOLSTERED FURNITURE.—A fire safety standard for upholstered furniture that is substantially the same as the provisions of Technical Bulletin 117, "Requirements, Test Procedure and Apparatus for testing the Flame and Smolder Resistance of Upholstered Furniture" published by the State of California, Department of Consumer Affairs, Bureau of Home Furnishings and Thermal Insulation, February 2002.

(2) MATTRESSES.—A fire safety standard for mattresses that is substantially the same as Technical Bulletin 603, "Requirements and Test Procedure for Resistance of a Residential Mattress/Box Spring Set to a Large Open Flame", published by the State of California, Department of Consumer Affairs, Bureau of Home Furnishings and Thermal Insulation, February 2003.

(3) BEDCLOTHING.—A fire safety standard for bedclothing that is substantially the same as the October 22, 2003, draft for task force review of Technical Bulletin 604, "Test Procedure and Apparatus for the Flame Resistance of Filled Bedclothing", published by the State of California, Department of Consumer Affairs, Bureau of Home Furnishings and Thermal Insulation, October 2003.

(4) CANDLES.—A fire safety standard for candles that is substantially the same as Provisional Standard PS 59-02, "Provisional Specification for Fire Safety for Candles", ASTM International, as that provisional standard existed on the date of enactment of this Act.

(b) APPLICATION OF CERTAIN PROMULGATION REQUIREMENTS.—The requirements of subsections (a) through (f) of section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), and section 36 of that Act (15 U.S.C. 2083), do not apply to the consumer product safety standards required to be promulgated by subsection (a) of this section.

Ms. SNOWE. Mr. President, I rise today in support of the American Home Fire Safety Act authored by my colleague Senator HOLLINGS. I am pleased to co-sponsor this legislation along with Senators GRAHAM of South Carolina, BREAUX, BOXER and DORGAN. While the purpose of our bill is to require the Consumer Product Safety Commission to implement national standards for mattresses, upholstered furniture, candles and bedding, our ultimate goal is to save lives.

According to the Consumer Products Safety Commission and the National Fire Protection Association, in 1998, the last year for which statistics are available, American homes suffered over 330,000 fires serious enough to require a response from firefighters. In those fires, more than 2,600 Americans died and another 15,000 suffered injuries requiring medical treatment. The property loss from those fires totaled over \$3.5 billion.

Of the many items first ignited in residential fires, upholstered furniture is the product most frequently involved in fire deaths (20 percent) followed by mattresses and bedding (15 percent). Among the different forms of heat involved in the ignition of fires, smoking materials accounted for 30 percent of fire deaths with candles accounting for six percent of the fire deaths, followed by lighters at five percent and matches at three percent.

Effective fire protection depends on redundancy. Public education, building

codes, smoke detectors, and automatic fire sprinklers each are important but imperfect tools where they exist—and too often they do not. The fact is that even with these tools available, more than 900 Americans—that's five of our fellow citizens every two days—die every year in fires involving cigarettes, small open flames such as candles, upholstered furniture, mattresses and bedding.

Those are the numbers—but there is a tragedy behind every one of them. Let me speak just for a moment about one such tragedy that visited my state one cold night in January of 2000. That night a young boy of six playing with a lighter ignited the sofa bed he was on and in the ensuing fire he and his two brothers—they were triplets—perished. But the tragedy doesn't stop there because one of the volunteer firefighters who responded that night, Waldo County Sheriff Robert Jones, suffered a fatal heart attack while fighting the blaze. No, Mr. President, this is not just about the numbers—although they are staggering—it is about the human tragedy.

The American Home Fire Safety Act will require the United States Consumer Product Safety Commission to enforce specific fire safety standards for each of these products. These are not new, burdensome standards—in fact, they are standards already established by the American Society of Testing and Materials or the state of California. American manufacturers of mattresses, upholstered furniture, candles and bedding have already developed cost-effective technology and processes to make these household goods less flammable than current products. Collectively—and in combination with existing fire protection technologies—we hope to save hundreds of lives, avoid thousands of serious injuries and billions of dollars in lost property.

Finally, I would like to point out that this legislation has been endorsed by the National Fire Protection Association, the National Volunteer Fire Council, the Western Fire Chiefs Association, the National Association of State Fire Marshals and numerous state Fire Chief's Associations. I urge my colleagues to support this bill to establish national standards for some of the household products at the core of residential fires. By doing so, perhaps we can spare our fellow Americans needless suffering.

By Mr. AKAKA (for himself, Mr. SARBANES, and Mr. CORZINE):

S. 1800. A bill to amend the Higher Education Act of 1965 to enhance literacy in finance and economics, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. AKAKA. Mr. President, today I am introducing the College Literacy in Finance and Economics or College LIFE Act. I would like to thank my colleagues, Senators SARBANES and

CORZINE, for their cosponsorship of this important legislation.

The problem we're working to address with the College LIFE Act is simple. Our college students are many of America's best and the brightest. They hold the promise of our country in their hands and will go on to become leaders—in business, education, politics, the military, the community—any field you can name. It is wonderful that so many people are pursuing and fulfilling their dreams of higher education in numbers that I did not imagine when I was in college. In fact, as reported by the American Council on Education, total college enrollment surged by 3 million or nearly 27 percent over the past 20 years. However, I am gravely concerned, both as a member of this body and particularly as a grandparent and great-grandparent, that our young people are entering college without proper direction or good skills for money management or economic decisionmaking.

As we work on increasing access to higher education, we must give students access to the tools that they need to make sound economic and financial decisions once they are on campus. However, the lack of personal finance and economics State K-12 education standards or implementation of existing standards in K-12 education in a number of States results in many students arriving at college with little understanding of economic concepts like supply and demand or benefits versus costs, or personal finance concepts such as household money management or the importance of maintaining good credit history. Without this basic understanding, college students are not effectively evaluating credit alternatives, managing their debt, and preparing for long-term financial goals, such as saving for a home or retirement.

We can try to imagine what it's like to be a college student's shoes. A young adult leaves his home and travels thousands of miles, as do many Hawaii students attending mainland colleges, to the campus that holds his hopes and dreams. Perhaps farthest from his mind is how little spending money he has for textbooks, a new college sweatshirt, and school supplies. He gets to the campus bookstore and walks out with a bag that includes a preapproved credit card application, which he immediately fills out and mails. Months later, he has joined many other credit card-holding college student who, on average, have a credit card bill balance above \$3,000. His sophomore year rolls around and, instead of conferring with his parents about the details of his renewal FAFSA for student financial aid or master promissory note, he is saddled with another \$10,000 loan. According to The College Board, average college tuition and fees in 2003-04 increased to \$19,710 for a four-year private institution and to \$4,694 for a 4-year public institution. The same scenario repeats itself for his jun-

ior and senior years. Finally, after successfully completing all of his coursework, he graduates, finds an entry-level job, and realizes that, after servicing his debt, he has little money left for basics such as food, transportation, and rent, much less new career clothing or social outings. His lack of knowledge about how to properly use credit has led him to anxiety-causing financial missteps. With appropriate financial and economic literacy, he may have known what debt load to anticipate and made wiser financing and spending decisions while in school.

Rather, he may be on the road to true financial trouble. Dan Iannicola, Jr., Deputy Assistant Secretary of the Treasury for Financial Education, testified before a House subcommittee on Tuesday, that 40 percent of Americans say they live beyond their means, with the average American household having \$8,900 in credit card debt in 2002—up from \$3,200 just 10 years earlier. In 2001, more people filed for bankruptcy than graduated from college. Furthermore, the most recent Federal Reserve Bulletin reported that Americans currently pay 13.3 percent of after-tax income to service their debts, which increases to 18.1 percent when we add other recurring liabilities such as rent and auto leases. We must ensure that our youth make the right decisions to follow a better financial path, especially considering a report cited by Mr. Iannicola noting that youth spent more than \$172 billion in a recent year, and figures from MarketResearch.com noting that typical 8- to 14-year-olds now spend—from allowances, jobs, and gifts—about \$1,294 a year or \$25 a week.

The College LIFE (Literacy in Finance and Economics) Act represents a comprehensive approach to assist upcoming generations of Americans. It proposes four new grant programs that provide resources to encourage experimentation with delivery systems—innovation methods used in or out of the classroom to increase college students' financial literacy. Another grant would allow higher education institutions to share best practices about or create personal finance courses where none exist. A third grant would assist efforts that are looking at the best ways to integrate personal finance and economic education into basic educational subjects, which is especially important as schools are facing challenges under the No Child Left Behind Act and are tempted to focus on subjects being tested for Annual Yearly Progress. The final grant would train teachers and high school counselors toward increasing financial and economic literacy in grades K-12 so that our college students are prepared when they arrive at college campuses.

The bill also proposes a pilot program for five higher education institutions to encourage students to take a personal finance course and participate in preventive annual credit counseling, working in conjunction with state or local public, private, and nonprofit entities selected by the local education

agency or the school, and measuring the effectiveness of efforts in any behavioral changes that may result. It promotes greater collaboration with and support from Federal agencies in the higher education arena with respect to economic and financial literacy. Finally, it emphasizes the importance of personal finance and economic education and counseling by authorizing these activities as allowable uses in existing Higher Education Act programs, such as TRIO, GEAR UP, and Title III and Title V Serving Institutions.

Furthermore, I intend the reach of this bill to be beyond the traditional college student. Our returning college students are a vital part of society—many who are already community leaders and breadwinners for their families who have already gained valuable work experience that they may use as they learn a new field or continue their undergraduate study in the pursuit of a graduate or doctoral degree. In addition, older adults who are entering higher education for the first time can also be lauded for their enterprising spirit in wanting to better their lives by earning an associates or bachelors degree. I anticipate that the assistance provided through the College LIFE Act will work to provided needed help to many of these students as well.

I have been working on this bill over the better part of this year with several organizations in the higher education and economic and financial literacy community. I ask unanimous consent to have printed in the RECORD after my statement letters of support for the legislation from the National Council on Economic Education, JumpStart Coalition for Personal Financial Literacy, and Family, Career and Community Leaders of America. I thank these and other organizations for their constant efforts in this area. For example, the National Council for Community and Education Partnerships (NCCEP) supports a provision including economic and financial literacy and counseling as allowable activities for the GEAR-UP program, which provides comprehensive mentoring, counseling, outreach, and supportive services to cohorts of disadvantaged students. Emphasis on economic and financial literacy as included in the bill would complement NCCEP'S current GEAR-UP activities that underscore the importance of the college-going experience and pursuit of post-secondary education—including discussions about financial aid, debt, grants vs. loans, savings, and tax credits—and involving parents or guardians to inform them on the costs of college and how to prepare for their child's entry into college. I will continue to work with these and other organizations toward increasing literacy in finance and economics for our students before they enter higher education and once they arrive on college campuses.

I am looking forward to continuing to work with my colleagues to have the

College LIFE Act passed or included in the upcoming Higher Education Act reauthorization. I encourage my colleagues' support for this bill.

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

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

NATIONAL COUNCIL  
ON ECONOMIC EDUCATION,  
Washington, DC, October 1, 2003.

Hon. DANIEL K. AKAKA,  
U.S. Senator,  
Washington, DC.

DEAR SENATOR AKAKA: For over 50 years, the National Council on Economic Education (NCEE), through its nationwide network of State Councils and University Centers for Economic Education, has been the nation's premier organization for promoting effective economic education, by training teachers to get basic economic knowledge and decision-making skills into the heads and hands of our young people, K-12.

NCEE's mission is to ensure the effective teaching of the real-life skills people need to succeed in an increasingly complex world: to be able to think and choose knowledgeably as consumers, savers, and investors, responsible citizens, members of the workforce, and effective participants in the global economy.

Because of our nationwide university and college base, we at the National Council on Economic Education (NCEE) strongly endorse the College LIFE (Literacy in Finance and Economics) Act.

The College LIFE (Literacy in Finance and Economics) Act, which seeks to provide university students with personal finance counseling, and to prepare teachers and high school counselors to equip our young people with personal finance knowledge and skills, could not come at a better time.

This is a time of growing public interest in personal finance education. Parents everywhere want their children to know how the world works before they go to work in it, and to possess the basic knowledge and decision-making skills that will help them to become productive and responsible citizens, employees, consumers, savers and investors. Any legislation that advances that effort in a sustained, systematic way has our support.

The NCEE is pleased to support the College LIFE (Literacy in Finance and Economics) Act. Please keep us informed of its progress.

Yours sincerely,

ROBERT F. DUVALL,  
President & Chief Executive Officer.

JUMPSTART COALITION,  
Washington, DC, October 9, 2003.

Senator DANIEL K. AKAKA,  
Hart Building,  
Washington, DC.

DEAR SENATOR AKAKA: On behalf of the JumpStart Coalition for Personal Financial Literacy (a coalition of 150 organizations promoting personal finance education for youth), we thank you for sponsoring the College Literacy in Finance and Economics (College LIFE) Act.

The passage of this Act would signify an elevation in importance of the issue of youth financial literacy by Higher Education. The problems related to financially illiterate young adults need to be addressed. We cannot continue the ten-fold increase in young adults filing bankruptcy that we have seen in the past five years. Nor can we afford to have young adults dropping out of college due to heavy credit card debt or not understanding the importance of investing for their retirement.

In light of these distressing problems, it is imperative that we start to embed personal

finance and economic education more widely into our college and university curricula. Currently the percentage of college students having the opportunity to enroll in such classes is small considering their lack of promotion and availability.

The good news is that education is the answer and the solution is found through existing resources. A wide selection of curricula (many free or low cost) in addition to teacher training networks and guest speaker supplements are available. The remaining obstacle lies in opening the doors of Higher Education to this invaluable instruction.

Therefore, JumpStart wholeheartedly supports Senator Akaka's College LIFE Act for its emphasis on a subject and skill that is invaluable to surviving in today's complex financial marketplace.

The JumpStart Coalition thanks you for your continuing support of financial and economic education.

Sincerely,

DARA DUGUAY,  
Executive Director.

FAMILY, CAREER AND  
COMMUNITY LEADERS OF AMERICA,  
Reston, VA, October 29, 2003.

Senator DANIEL K. AKAKA,  
Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR AKAKA, Family, Career and Community Leaders of America is a dynamic and effective national student organization with a membership of over 227,000 that helps young men and women become leaders and address important personal, family, work, and societal issues through Family and Consumer Sciences Education (FACS). One of those important issues is financial responsibility, which is a part of the FACS discipline.

FCCLA Advisers are FACS teachers who use the FCCLA Financial Fitness national peer education program to promote youth teaching other young people how to make, save, and spend money wisely. Its goals are to sharpen young people's skills in money management, consumerism, and financial planning; as well as provide youth an opportunity to teach others and develop financial literacy, communication, and leadership skills. This program includes educational tools and recognition for chapter projects.

We strongly support the College LIFE (Literacy in Finance and Economics) Act, as it shares the goals of the FCCLA Financial Fitness program. The importance of consumer education that FCCLA introduces to its youth will be able to be carried on to higher education with the passage of this Act. Skills learned through personal finance and economic education courses will better prepare students for success in their careers and their lives.

FCCLA is grateful to you for your enduring advocacy of financial and economic education through the College LIFE Act.

Sincerely,

ALAN T. RAINS, JR.,  
Executive Director.

S. 1800

*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 "College Literacy in Finance and Economics (College LIFE) Act".

**SEC. 2. AREAS OF EMPHASIS.**

Part B of title I of the Higher Education Act of 1965 (20 U.S.C. 1011 et seq.) is amended by adding at the end the following:

**"SEC. 123. AREAS OF EMPHASIS.**

"In carrying out activities under this Act related to improving financial and economic

literacy, education, and counseling, the Secretary shall emphasize, among other elements, basic personal income and household money management and financial planning skills, and basic economic decision making skills, including how to—

“(1) create household budgets, initiate savings plans, and make strategic investment decisions for education, employment, retirement, home ownership, wealth building, or other savings goals;

“(2) manage credit and debt effectively, including student financial aid and credit card debt, and understand the merits of establishing and maintaining excellent credit history;

“(3) understand, evaluate, and compare fair and favorable financial products, services, and opportunities, and avoid abusive, predatory, or deceptive financial products, services, and opportunities;

“(4) complete tax returns and understand tax consequences when making certain financial decisions, such as placing an investment or purchasing a home;

“(5) identify economic problems, alternatives, benefits, and costs;

“(6) analyze the incentives at work in an economic situation;

“(7) examine the consequences of changes in economic conditions and public policies;

“(8) collect and organize economic evidence, including understanding, evaluating, and making strategic decisions using economic indicators;

“(9) compare benefits with costs; and

“(10) improve financial and economic literacy and education through all other related skills.”

### SEC. 3. COORDINATION.

In carrying out the financial and economic literacy activities authorized under this Act and the amendments made by this Act, the Secretary of Education, to the greatest extent practicable, shall coordinate such activities with the financial and economic literacy efforts of a Federal commission comprised of members from the Department of Education, the Department of the Treasury, and other entities the President, the Secretary of Education, and the Secretary of the Treasury determine appropriate.

### SEC. 4. ENHANCEMENT OF FINANCIAL LITERACY AND ECONOMIC LITERACY.

The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(1) in section 201(a)(3), by inserting “personal finance,” after “economics.”;

(2) in section 311(c)—

(A) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively; and

(B) by inserting after paragraph (6) the following:

“(7) Education or counseling services designed to improve the financial literacy and economic literacy of students and their parents.”;

(3) in section 316(c)(2)—

(A) by redesignating subparagraphs (G) through (L) as subparagraphs (H) through (M), respectively;

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

“(G) education or counseling services designed to improve the financial literacy and economic literacy of students and their parents.”; and

(C) in subparagraph (M), as redesignated by subparagraph (A), by striking “subparagraphs (A) through (K)” and inserting “subparagraphs (A) through (L)”;

(4) in section 317(c)(2)—

(A) in subparagraph (G), by striking “and” after the semicolon;

(B) in subparagraph (H), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(1) education or counseling services designed to improve the financial literacy and economic literacy of students and their parents.”;

(5) in section 323(a)—

(A) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively; and

(B) by inserting after paragraph (6) the following:

“(7) Education or counseling services designed to improve the financial literacy and economic literacy of students and their parents.”;

(6) in section 326(c)—

(A) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8), respectively; and

(B) by inserting after paragraph (4) the following:

“(5) education or counseling services designed to improve the financial literacy and economic literacy of students and their parents.”;

(7) in section 503(b)—

(A) by redesignating paragraphs (5) through (14) as paragraphs (6) through (15), respectively; and

(B) by inserting after paragraph (4) the following:

“(5) Education or counseling services designed to improve the financial literacy and economic literacy of students and their parents.”;

(8) in section 402B(b)—

(A) by redesignating paragraphs (3) through (10) as paragraphs (4) through (11), respectively;

(B) by inserting after paragraph (2) the following:

“(3) education or counseling services designed to improve the financial literacy and economic literacy of students and their parents.”; and

(C) in paragraph (11), as redesignated by subparagraph (A), by striking “paragraphs (1) through (9)” and inserting “paragraphs (1) through (10)”;

(9) in section 402C—

(A) in subsection (b)—

(i) by redesignating paragraphs (2) through (12) as paragraphs (3) through (13), respectively;

(ii) by inserting after paragraph (1) the following:

“(2) education or counseling services designed to improve the financial literacy and economic literacy of students and their parents.”; and

(iii) in paragraph (13), as redesignated by clause (i), by striking “paragraphs (1) through (11)” and inserting “paragraphs (1) through (12)”;

(B) in subsection (e), by striking “subsection (b)(10)” and inserting “subsection (b)(11)”;

(10) in section 402D(b)—

(A) by redesignating paragraphs (2) through (10) as paragraphs (3) through (11), respectively;

(B) by inserting after paragraph (1) the following:

“(2) education or counseling services designed to improve the financial literacy and economic literacy of students and their parents.”; and

(C) in paragraph (11), as redesignated by subparagraph (A), by striking “paragraphs (1) through (9)” and inserting “paragraphs (1) through (10)”;

(11) in section 402E(b)—

(A) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(B) by inserting after paragraph (6) the following:

“(7) education or counseling services designed to improve the financial literacy and

economic literacy of students and their parents.”;

(12) in section 402F(b)—

(A) by redesignating paragraphs (4) through (10) as paragraphs (5) through (11), respectively;

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

“(4) education or counseling services designed to improve the financial literacy and economic literacy of students and their parents.”; and

(C) in paragraph (11), as redesignated by subparagraph (A), by striking “paragraphs (1) through (9)” and inserting “paragraphs (1) through (10)”;

(13) in section 404D(b)(2)(A)(ii), by striking “and academic counseling” and inserting “academic counseling, and financial literacy and economic literacy education or counseling”;

(14) by striking section 418A(c)(1)(B)(i) and inserting the following:

“(i) personal, academic, career, and economic education or personal finance counseling as an ongoing part of the program.”;

(15) in section 428F(b), by inserting at the end the following: “Where appropriate, such program shall include making available financial and economic education materials for the borrower.”;

(16) in section 432(k)(1), by striking “and offering” and all that follows through the period and inserting “, offering loan repayment matching provisions as part of employee benefit packages, and providing employees with financial and economic education and counseling.”;

(17) in section 441(c)—

(A) in paragraph (1), by inserting “financial literacy and economic literacy,” after “social services.”; and

(B) in paragraph (4)(C), by striking the period at the end and inserting “and counseling for the purposes of improving financial literacy and economic literacy.”;

(18) in section 485—

(A) in subsection (a)(1)(D), by striking the semicolon at the end and inserting “, including the merits of taking a personal finance course, if the institution offers such a course, and of the student reviewing the student’s personal credit profile not less frequently than once a year.”;

(B) in subsection (b)—

(i) in paragraph (1)(A)—

(I) in clause (i), by striking “and” after the semicolon;

(II) in clause (ii), by striking the period at the end and inserting “; and”; and

(III) by adding at the end the following:

“(iii) if it is determined during the counseling that the borrower is not connected to a mainstream financial institution, information about low-cost financial services and the benefits of using such services, and where and how the borrower could open a low-cost account in a federally insured credit union or bank.”; and

(ii) by adding at the end the following:

“(3) PILOT PROGRAM.—

“(A) AUTHORIZATION.—

“(i) IN GENERAL.—The Secretary shall establish a pilot program that awards a total of 5 grants to 5 different institutions of higher education that are located in geographically different parts of the United States to enable the institutions to provide annual personal finance counseling for students enrolled at such institutions.

“(ii) MINORITY SERVING INSTITUTIONS.—In awarding grants under this paragraph, the Secretary shall award not less than 2 of the 5 grants to institutions of higher education that are eligible to receive assistance under title III or title V.

“(B) APPLICATION.—An institution of higher education that desires to receive a grant

under this paragraph shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(C) USE OF FUNDS.—

“(i) COUNSELING.—

“(I) IN GENERAL.—In addition to making available exit counseling under paragraph (I), an institution of higher education that receives a grant under this paragraph shall through financial aid officers or otherwise, make available counseling to borrowers of loans which are made, insured, or guaranteed under part B (other than loans made pursuant to section 428B) of this title or made under part D or E of this title at the commencement of the borrower’s course of study at the institution, not less frequently than once annually while the borrower is enrolled at the institution, and not later than 30 days after completion of the course of study for which the borrower enrolled at the institution or at the time of departure from such institution.

“(II) CONTENT.—The counseling required under subclause (I) shall include the average anticipated monthly repayments, a review of the repayment options available, the total amount of interest that would be paid over a range of possible interest rates and the amount of interest in the monthly payments, information on the availability and content of a personal finance course if such course is offered by the institution and if not already completed by the individual, and such debt and management strategies as the institution determines are designed to facilitate the repayment of such indebtedness, which may be implemented in partnership with State or local public, private, and nonprofit entities approved by the local educational agency that serves schools in the area where the institution is located, or a campus committee formed for the purpose of evaluating the qualifications of such entities. If it is determined during the counseling that the borrower is not connected to a mainstream financial institution, the counseling shall include information about low-cost financial services and the benefits of using such services, and where and how the borrower could open a low-cost account in a federally insured credit union or bank.

“(ii) PERMISSIVE USE.—Grant funds received under this paragraph may be used to pay for additional financial aid personnel or for training for existing financial aid personnel.

“(iii) STUDY.—

“(I) IN GENERAL.—An institution of higher education that receives a grant under this paragraph shall conduct a study to evaluate the impacts, if any, of the financial and economic literacy and counseling activities on students’ levels of savings and indebtedness, and creditworthiness, and such activities’ effectiveness in reducing the incidence of problems with handling credit, including bankruptcy filing and student financial loan default.

“(II) ASSISTANCE.—An institution of higher education may conduct the study under subclause (I) with the assistance of appropriate Federal agencies or other entities approved by the Secretary.

“(III) REPORT.—Not later than 6 months after completion of the study under subclause (I), the institution of higher education shall report the results of such study to the Secretary, the Secretary of the Treasury, the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Financial Services of the House of Representatives.

“(D) DURATION.—Grants awarded under this paragraph shall be for a period of 3 years.

“(E) AMOUNT.—The Secretary shall award grants of not more than \$1,000,000 annually to each institution of higher education awarded a grant under this paragraph. The Secretary may determine the grant award amount based on the number of students to be counseled at the institution of higher education.

“(F) REPORT.—Not later than 90 days after the date of completion of the pilot program under this paragraph, the Secretary shall submit a report to Congress on the effectiveness of the program.

“(G) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph such sums as may be necessary for each of fiscal years 2005 through 2009.”; and

(C) in subsection (c), by adding at the end the following: “Appropriate Federal agencies shall provide material developed by such agencies for the purpose of financial education, to financial assistance information personnel at institutions of higher education for the use of such personnel in financial aid counseling.”; and

(19) in section 491(d)(8), by inserting “, including those related to financial literacy activities,” after “resources and services”.

#### SEC. 5. GRANT PROGRAMS.

(a) INNOVATIVE DELIVERY SYSTEMS.—

(1) DEFINITIONS.—In this subsection:

(A) DELIVERY SYSTEM.—The term “delivery system” means any range of media or methods that institutions of higher education use to instruct or to convey information to the students enrolled at such institutions.

(B) ELIGIBLE ENTITY.—The term “eligible entity”—

(i) means an institution of higher education; and

(ii) includes an institution of higher education in partnership with a public, private, or nonprofit entity.

(C) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(D) SECRETARY.—The term “Secretary” means the Secretary of Education.

(2) AUTHORIZATION.—From funds appropriated under paragraph (10), the Secretary shall award grants, on a competitive basis, to eligible entities to enable such entities to develop or sponsor experimental financial literacy delivery systems.

(3) APPLICATION.—

(A) IN GENERAL.—An eligible entity that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(B) CONTENT.—An application submitted under subparagraph (A) shall include—

(i) a description of the plan for the development or sponsorship of the financial literacy delivery system the eligible entity intends to support with grant funds received under this subsection;

(ii) information on the students expected to be served by such system; and

(iii) information on the means by which the effectiveness of such system will be measured.

(4) AWARDED OF GRANTS.—In awarding grants under this subsection, the Secretary shall—

(A) give priority to eligible entities that take measures to ban or discourage the proliferation of credit cards and abusive credit marketing practices on campus; and

(B) consider—

(i) the quality of the proposed financial literacy delivery system and the degree to which such system may be used as a model for adoption by other institutions of higher education;

(ii) the resources, if any, that the eligible entity intends to dedicate to the implementation of the plan for the development or sponsorship of such system;

(iii) the degree to which technology is to be used in the implementation of such plan; and

(iv) the degree to which the eligible entity will collaborate with other entities in implementing such plan.

(5) USE OF FUNDS.—An eligible entity awarded a grant under this subsection shall use the grant funds—

(A) to develop or sponsor an experimental financial literacy delivery system; and

(B) for activities that explore and assess the effectiveness of various delivery systems in delivering personal financial education and counseling to students and in increasing student personal financial literacy.

(6) OBLIGATION.—Grant funds received under this subsection shall be available for obligation for a period of not more than 4 years.

(7) TECHNICAL ASSISTANCE.—From not more than 5 percent of the funds appropriated to carry out this subsection, the Secretary shall make technical assistance available to eligible entities that receive grants under this subsection.

(8) REPORT.—An eligible entity that receives a grant under this subsection shall submit a report—

(A) on an annual basis, to the Secretary on the effectiveness of the financial literacy delivery system; and

(B) at the end of the grant period, to the appropriate committees of Congress on the effectiveness of the financial literacy delivery system.

(9) REGULATIONS.—The Secretary shall promulgate regulations to carry out this subsection.

(10) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2005 through 2009.

(b) PERSONAL FINANCE COURSE.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE ENTITY.—The term “eligible entity”—

(i) means an institution of higher education; and

(ii) includes an institution of higher education in partnership with a public, private, or nonprofit entity.

(B) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(C) SECRETARY.—The term “Secretary” means the Secretary of Education.

(2) AUTHORIZATION.—From funds appropriated under paragraph (8), the Secretary shall award grants, on a competitive basis, to eligible entities to enable such entities to—

(A) if such entities do not offer a course in personal finance, create a course in personal finance; or

(B) if such entities offer a course in personal finance, share best practices and related information with other institutions of higher education about successful personal finance courses.

(3) APPLICATION.—

(A) IN GENERAL.—An eligible entity that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(B) CONTENT.—An application submitted under subparagraph (A) shall include—

(i) if the entity intends to create a course in personal finance with grant funds received under this subsection, information on the number of students who could enroll in such course and the expected outcomes of the course; or

(ii) if the entity already offers a course in personal finance, information on how the institution will share its best practices with other institutions.

(4) AWARDING OF GRANTS.—In awarding grants under this subsection, the Secretary shall give priority to eligible entities that take measures to ban or discourage the proliferation of credit cards and abusive credit marketing practices on campus.

(5) OBLIGATION.—Grant funds received under this subsection shall be available for obligation for a period of not more than 3 years.

(6) REPORT.—An eligible entity that receives a grant under this subsection shall submit a report—

(A) on an annual basis, to the Secretary on the effectiveness of the personal finance course in increasing the personal financial literacy of students who complete such course; and

(B) at the end of the grant period, to the appropriate committees of Congress on the effectiveness of the personal finance course in increasing the personal financial literacy of students who complete such course.

(7) REGULATIONS.—The Secretary shall promulgate regulations to carry out this subsection.

(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2005 through 2009.

(C) INTEGRATION.—

(1) AUTHORIZATION.—From funds appropriated under paragraph (6), the Secretary of Education (referred to in this subsection as the “Secretary”) shall award a grant, on a competitive basis, to a nonprofit organization, or a consortium of nonprofit organizations, working in partnership with relevant Federal agencies, educational organizations, and other nonprofit organizations, to study and recommend the best ways to integrate personal finance and economics into basic educational subjects.

(2) APPLICATION.—A nonprofit organization, or consortium of nonprofit organizations, that desires to receive the grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(3) AWARDING OF GRANTS.—In awarding the grant under this subsection, the Secretary shall—

(A) give priority to an applicant that has as its primary purpose the improvement of the quality of student understanding of personal finance and economics; and

(B) consider—

(i) the previous record of work of the applicant in improving the quality of student understanding of personal finance and economics; and

(ii) the degree to which the applicant has collaborated with other entities that have as their primary purpose the improvement of the quality of student understanding of personal finance and economics.

(4) REPORT.—Not later than 2 years after the grant funds have been distributed under this subsection, the nonprofit organization, or consortium of nonprofit organizations, that receives the grant under this subsection shall submit to the Secretary and the appropriate committees of Congress a report on the best ways to integrate personal finance

and economics into basic educational subjects.

(5) REGULATIONS.—The Secretary shall promulgate regulations to carry out this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$1,000,000 for each of fiscal years 2005 through 2007.

(d) TEACHER AND COUNSELOR TRAINING.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE ENTITY.—The term “eligible entity”—

(i) means—

(I) an education department of an institution of higher education; or

(II) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, that has as its primary purpose the improvement of the quality of student understanding of personal finance and economics through effective teaching; and

(ii) includes a partnership of the entities described in clause (i).

(B) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(C) SECRETARY.—The term “Secretary” means the Secretary of Education.

(D) STATE.—The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(2) AUTHORIZATION.—From funds appropriated under paragraph (10), the Secretary shall award grants, on a competitive basis, to eligible entities to enable the entities to fund—

(A) preservice teacher training programs in the instruction of economics and personal finance in elementary schools and secondary schools; and

(B) programs to provide preservice and inservice training of secondary school counselors in advising students on the importance of improving their economic and personal financial literacy.

(3) APPLICATION.—

(A) IN GENERAL.—An eligible entity that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(B) CONTENT.—An application submitted under subparagraph (A) shall include information on—

(i) the number of individuals who would be served by the eligible entity if awarded a grant under this subsection; and

(ii) the expected outcomes of the proposed training.

(4) AWARDING OF GRANTS.—

(A) IN GENERAL.—In awarding grants under this subsection, the Secretary shall—

(i) give priority to eligible entities that take measures to ban or discourage the proliferation of credit cards and abusive credit marketing practices on campus; and

(ii) consider the applicant’s past record of success in carrying out similar training programs.

(B) GRANTS TO ALL STATES.—For any fiscal year for which the amount appropriated to carry out this paragraph is more than \$25,000,000, the Secretary shall award not less than 1 grant to an eligible entity in each State.

(5) COORDINATION WITH EXISTING PROGRAMS.—In carrying out programs funded under this subsection, an eligible entity may

coordinate activities with other training programs, including programs authorized under the Excellence in Economic Education Act of 2001 (20 U.S.C. 7267 et seq.).

(6) SUPPLEMENT, NOT SUPPLANT.—Grant funds received under this subsection shall be used to supplement, and not supplant, non-Federal funds available to the eligible entity for the purpose of carrying out similar training programs.

(7) OBLIGATION.—Grant funds received under this subsection shall be available for obligation for a period of not more than 3 years.

(8) REPORT.—An eligible entity that receives a grant under this subsection shall submit a report—

(A) on an annual basis, to the Secretary on the effectiveness of training teachers and counselors in instructing and advising students on personal finance; and

(B) at the end of the grant period, to the appropriate committees of Congress on the effectiveness of training teachers and counselors in instructing and advising students on personal finance.

(9) REGULATIONS.—The Secretary shall promulgate regulations to carry out this subsection.

(10) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$10,000,000 for each of fiscal years 2005 through 2009.

#### SEC. 6. EVALUATION.

Not later than 6 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Financial Services of the House of Representatives, an evaluation of the range and effectiveness of financial and economic education and financial aid counseling activities of institutions of higher education, lenders, servicers, and guaranty agencies as emphasized by the Secretary of Education pursuant to section 123 of the Higher Education Act of 1965.

Mr. CORZINE. Mr. President, I am proud to join Senator AKAKA as a co-sponsor of the College LIFE (Literacy in Finance and Economics) Act.

Unfortunately, when it comes to personal finances, most American college students do not have the skills they need to spend and save wisely. Most do not understand the details of managing a checking account, paying their taxes, or even using a credit card sensibly. College students must be given the tools they need to maintain good credit and make informed decisions about investments and savings so that they can ensure themselves a successful future.

The importance of financial education cannot be understated, and this bill effectively addresses this critical issue by establishing grants that would allow institutions of higher education to provide their students with personal finance counseling and planning services. The bill also contains provisions that would encourage colleges to develop personal finance courses, giving students greater access to financial education. Finally, the bill would create a three-year pilot program in five institutions of higher education across the Nation to provide annual counseling for financial aid recipients.

Financial literacy has been a priority of mine since the start of my tenure in the U.S. Senate. Indeed, I believe that financial literacy should be a lifelong goal. Last Congress, I successfully added a provision to the No Child Left Behind Act to give elementary and secondary schools access to funds that will allow them to include financial education as part of their basic educational curriculum. This Congress, I have introduced the Education for Retirement Security Act of 2003, which would provide grants to non-profit organizations and State and local agencies for programs that would enhance financial and retirement knowledge for America's seniors. The bill also aims to reduce financial abuse and fraud, including telemarketing, mortgage, and pension fraud. Finally, I am the sponsor of a bill that would provide welfare recipients with greater access to financial literacy skills in order to help them achieve self-sufficiency.

I know that Senator AKAKA has a deep interest in this issue as well, and I am honored to join him in introducing the College LIFE Act, to ensure that college students have access to the financial knowledge that they need to make the right decisions about their futures.

By Mrs. MURRAY (for herself, Mr. CORZINE, Mr. SCHUMER, and Mr. DAYTON):

S. 1801. A bill to promote the economic security and safety of victims of domestic and sexual violence, and for other purposes; to the Committee on Finance.

Mrs. MURRAY. 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. 1801

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Security and Financial Empowerment Act" or the "SAFE Act".

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

#### TITLE I—ENTITLEMENT TO EMERGENCY LEAVE FOR ADDRESSING DOMESTIC OR SEXUAL VIOLENCE

Sec. 101. Purposes.

Sec. 102. Entitlement to emergency leave for addressing domestic or sexual violence.

Sec. 103. Existing leave usable for addressing domestic or sexual violence.

Sec. 104. Emergency benefits.

Sec. 105. Effect on other laws and employment benefits.

Sec. 106. Conforming amendments.

Sec. 107. Effective date.

#### TITLE II—ENTITLEMENT TO UNEMPLOYMENT COMPENSATION FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

Sec. 201. Purposes.

Sec. 202. Unemployment compensation and training provisions.

#### TITLE III—VICTIMS' EMPLOYMENT SUSTAINABILITY

Sec. 301. Short title.

Sec. 302. Purposes.

Sec. 303. Prohibited discriminatory acts.

Sec. 304. Enforcement.

Sec. 305. Attorney's fees.

#### TITLE IV—VICTIMS OF ABUSE INSURANCE PROTECTION

Sec. 401. Short title.

Sec. 402. Definitions.

Sec. 403. Discriminatory acts prohibited.

Sec. 404. Insurance protocols for subjects of abuse.

Sec. 405. Reasons for adverse actions.

Sec. 406. Life insurance.

Sec. 407. Subrogation without consent prohibited.

Sec. 408. Enforcement.

Sec. 409. Effective date.

#### TITLE V—WORKPLACE SAFETY PROGRAM TAX CREDIT

Sec. 501. Credit for costs to employers of implementing workplace safety programs.

#### TITLE VI—NATIONAL CLEARINGHOUSE ON DOMESTIC AND SEXUAL VIOLENCE IN THE WORKPLACE GRANT

Sec. 601. National clearinghouse on domestic and sexual violence in the workplace grant.

#### TITLE VII—SEVERABILITY

Sec. 701. Severability.

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Domestic violence crimes account for approximately 15 percent of total crime costs in the United States each year.

(2) Violence against women has been reported to be the leading cause of physical injury to women. Such violence has a devastating impact on women's physical and emotional health and financial security.

(3) According to a recent National Institutes of Health-Centers for Disease Control and Prevention study, each year there are 5,300,000 non-fatal violent victimizations committed by intimate partners against women. Female murder victims were substantially more likely than male murder victims to have been killed by an intimate partner. About 1/3 of female murder victims, and about 4 percent of male murder victims, were killed by an intimate partner.

(4) According to recent government estimates, approximately 987,400 rapes occur annually in the United States. 89 percent of the rapes perpetrated against female victims. Since 2001, rapes have actually increased by 4 percent.

(5) Approximately 10,200,000 people have been stalked at some time in their lives. Four out of every 5 stalking victims are women. Stalkers harass and terrorize their victims by spying on the victims, standing outside their places of work or homes, making unwanted phone calls, sending or leaving unwanted letters or items, or vandalizing property.

(6) Employees in the United States who have been victims of domestic violence, dating violence, sexual assault, or stalking too often suffer adverse consequences in the workplace as a result of their victimization.

(7) Victims of domestic violence, dating violence, sexual assault, and stalking are particularly vulnerable to changes in employment, pay, and benefits as a result of their victimizations, and are, therefore, in need of legal protection.

(8) The prevalence of domestic violence, dating violence, sexual assault, stalking, and other violence against women at work is dra-

matic. About 36,500 individuals, 80 percent of whom are women, were raped or sexually assaulted in the workplace each year from 1993 through 1999. Half of all female victims of violent workplace crimes know their attackers. Nearly 1 out of 10 violent workplace incidents are committed by partners or spouses. Women who work for State and local governments suffer a higher incidence of workplace assaults, including rapes, than women who work in the private sector.

(9) Homicide is the leading cause of death for women on the job. Husbands, boyfriends, and ex-partners commit 15 percent of workplace homicides against women.

(10) Studies indicate that between 35 and 56 percent of employed battered women surveyed were harassed at work by their abusive partners.

(11) According to a 1998 report of the General Accounting Office, between 1/4 and 1/2 of domestic violence victims surveyed in 3 studies reported that the victims lost a job due, at least in part, to domestic violence.

(12) Women who have experienced domestic violence or dating violence are more likely than other women to be unemployed, to suffer from health problems that can affect employability and job performance, to report lower personal income, and to rely on welfare.

(13) Abusers frequently seek to control their partners by actively interfering with their ability to work, including preventing their partners from going to work, harassing their partners at work, limiting the access of their partners to cash or transportation, and sabotaging the child care arrangements of their partners.

(14) More than 1/2 of women receiving welfare have been victims of domestic violence as adults and between 1/4 and 1/3 reported being abused in the last year.

(15) Victims of intimate partner violence lose 8,000,000 days of paid work each year—the equivalent of over 32,000 full-time jobs and 5,600,000 days of household productivity.

(16) Sexual assault, whether occurring in or out of the workplace, can impair an employee's work performance, require time away from work, and undermine the employee's ability to maintain a job. Almost 50 percent of sexual assault survivors lose their jobs or are forced to quit in the aftermath of the assaults.

(17) More than 35 percent of stalking victims report losing time from work due to the stalking and 7 percent never return to work.

(18)(A) According to the National Institute of Justice, crime costs an estimated \$450,000,000,000 annually in medical expenses, lost earnings, social service costs, pain, suffering, and reduced quality of life for victims, which harms the Nation's productivity and drains the Nation's resources.

(B) Violent crime accounts for \$426,000,000,000 per year of this amount.

(C) Rape exacts the highest costs per victim of any criminal offense, and accounts for \$127,000,000,000 per year of the amount described in subparagraph (A).

(19) Violent crime results in wage losses equivalent to 1 percent of all United States earnings, and causes 3 percent of the Nation's medical spending and 14 percent of the Nation's injury-related medical spending.

(20) The Bureau of National Affairs has estimated that domestic violence costs United States employers between \$3,000,000,000 and \$5,000,000,000 annually in lost time and productivity, while other reports have estimated the cost at between \$5,800,000,000 and \$13,000,000,000 annually.

(21) United States medical costs for domestic violence have been estimated to be \$31,000,000,000 per year.

(22) Surveys of business executives and corporate security directors also underscore the

heavy toll that workplace violence takes on women, businesses, and interstate commerce in the United States.

(23) Ninety-four percent of corporate security and safety directors at companies nationwide rank domestic violence as a high security concern.

(24) Forty-nine percent of senior executives recently surveyed said domestic violence has a harmful effect on their company's productivity, 47 percent said domestic violence negatively affects attendance, and 44 percent said domestic violence increases health care costs.

(25) Only 25 States have laws that explicitly provide unemployment insurance to domestic violence victims in certain circumstances, and none of the laws explicitly cover victims of sexual assault or stalking.

(26) Only 6 States provide domestic violence victims with leave from work to go to court, to the doctor, or to take other steps to address the domestic violence in their lives, and only Maine provides such leave to victims of sexual assault and stalking.

(27) No States prohibit employment discrimination against victims of domestic violence, sexual assault, or stalking. Five States provide limited protection to some victims under certain circumstances.

(28) Employees, including individuals participating in welfare to work programs, may need to take time during business hours to—

- (A) obtain orders of protection;
- (B) seek medical or legal assistance, counseling, or other services; or
- (C) look for housing in order to escape from domestic violence.

(29) Domestic and sexual violence victims have been subjected to discrimination by private and State employers, including discrimination motivated by sex and stereotypic notions about women.

(30) Domestic violence victims and third parties who help them have been subjected to discriminatory practices by health, life, disability, and property and casualty insurers and employers who self-insure employee benefits who have denied or canceled coverage, rejected claims, and raised rates based on domestic violence. Although some State legislatures have tried to address these problems, the scope of protection afforded by the laws adopted varies from State to State, with many failing to address the problem comprehensively. Moreover, Federal law prevents States from protecting the almost 40 percent of employees whose employers self-insure employee benefits.

(31) Existing Federal law does not explicitly—

(A) authorize victims of domestic violence, dating violence, sexual assault, or stalking to take leave from work to seek legal assistance and redress, counseling, or assistance with safety planning activities;

(B) address the eligibility of victims of domestic violence, dating violence, sexual assault, or stalking for unemployment compensation;

(C) prohibit employment discrimination against actual or perceived victims of domestic violence, dating violence, sexual assault, or stalking; or

(D) prohibit insurers and employers who self-insure employee benefits from discriminating against domestic violence victims and those who help them in determining eligibility, rates charged, and standards for payment of claims; nor does it prohibit insurers from disclosure of information about abuse and the victim's location through insurance databases and other means.

### SEC. 3. DEFINITIONS.

In this Act, except as otherwise expressly provided:

(1) **COMMERCE.**—The terms “commerce” and “industry or activity affecting com-

merce” have the meanings given the terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

(2) **COURSE OF CONDUCT.**—The term “course of conduct” means a course of repeatedly maintaining a visual or physical proximity to a person or conveying verbal or written threats, including threats conveyed through electronic communications, or threats implied by conduct.

(3) **DATING VIOLENCE.**—The term “dating violence” has the meaning given the term in section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152).

(4) **DOMESTIC OR SEXUAL VIOLENCE.**—The term “domestic or sexual violence” means domestic violence, dating violence, sexual assault, or stalking.

(5) **DOMESTIC VIOLENCE.**—The term “domestic violence” has the meaning given the term in section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152).

(6) **DOMESTIC VIOLENCE COALITION.**—The term “domestic violence coalition” means a nonprofit, nongovernmental membership organization that—

(A) consists of the entities carrying out a majority of the domestic violence programs carried out within a State;

(B) collaborates and coordinates activities with Federal, State, and local entities to further the purposes of domestic violence intervention and prevention; and

(C) among other activities, provides training and technical assistance to entities carrying out domestic violence programs within a State, territory, political subdivision, or area under Federal authority.

(7) **ELECTRONIC COMMUNICATIONS.**—The term “electronic communications” includes communications via telephone, mobile phone, computer, e-mail, video recorder, fax machine, telex, or pager.

(8) **EMPLOY; STATE.**—The terms “employ” and “State” have the meanings given the terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(9) **EMPLOYEE.**—

(A) **IN GENERAL.**—The term “employee” means any person employed by an employer. In the case of an individual employed by a public agency, such term means an individual employed as described in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)).

(B) **BASIS.**—The term includes a person employed as described in subparagraph (A) on a full- or part-time basis, for a fixed time period, on a temporary basis, pursuant to a detail, as an independent contractor, or as a participant in a work assignment as a condition of receipt of Federal or State income-based public assistance.

(10) **EMPLOYER.**—The term “employer”—

(A) means any person engaged in commerce or in any industry or activity affecting commerce who employs 15 or more individuals; and

(B) includes any person acting directly or indirectly in the interest of an employer in relation to an employee, and includes a public agency, but does not include any labor organization (other than when acting as an employer) or anyone acting in the capacity of officer or agent of such labor organization.

(11) **EMPLOYMENT BENEFITS.**—The term “employment benefits” means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employer or through an “employee benefit plan”, as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)).

(12) **FAMILY OR HOUSEHOLD MEMBER.**—The term “family or household member” means a spouse, former spouse, parent, son or daughter, or person residing or formerly residing in the same dwelling unit.

(13) **PARENT; SON OR DAUGHTER.**—The terms “parent” and “son or daughter” have the meanings given the terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

(14) **PERSON.**—The term “person” has the meaning given the term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(15) **PUBLIC AGENCY.**—The term “public agency” has the meaning given the term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(16) **PUBLIC ASSISTANCE.**—The term “public assistance” includes cash, food stamps, medical assistance, housing assistance, and other benefits provided on the basis of income by a public agency.

(17) **REDUCED LEAVE SCHEDULE.**—The term “reduced leave schedule” means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

(18) **REPEATEDLY.**—The term “repeatedly” means on 2 or more occasions.

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

(20) **SEXUAL ASSAULT.**—The term “sexual assault” has the meaning given the term in section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152).

(21) **SEXUAL ASSAULT COALITION.**—The term “sexual assault coalition” means a nonprofit, nongovernmental membership organization that—

(A) consists of the entities carrying out a majority of the sexual assault programs carried out within a State;

(B) collaborates and coordinates activities with Federal, State, and local entities to further the purposes of sexual assault intervention and prevention; and

(C) among other activities, provides training and technical assistance to entities carrying out sexual assault programs within a State, territory, political subdivision, or area under Federal authority.

(22) **STALKING.**—The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to suffer substantial emotional distress or to fear bodily injury, sexual assault, or death to the person, or the person's spouse, parent, or son or daughter, or any other person who regularly resides in the person's household, if the conduct causes the specific person to have such distress or fear.

(23) **VICTIM OF DOMESTIC OR SEXUAL VIOLENCE.**—The term “victim of domestic or sexual violence” includes a person who has been a victim of domestic or sexual violence and a person whose family or household member has been a victim of domestic or sexual violence.

(24) **VICTIM SERVICES ORGANIZATION.**—The term “victim services organization” means a nonprofit, nongovernmental organization that provides assistance to victims of domestic or sexual violence or to advocates for such victims, including a rape crisis center, an organization carrying out a domestic violence program, an organization operating a shelter or providing counseling services, or an organization providing assistance through the legal process.

### TITLE I—ENTITLEMENT TO EMERGENCY LEAVE FOR ADDRESSING DOMESTIC OR SEXUAL VIOLENCE

#### SEC. 101. PURPOSES.

The purposes of this title are, pursuant to the affirmative power of Congress to enact

legislation under the portions of section 8 of article I of the Constitution relating to providing for the general welfare and to regulation of commerce among the several States, and under section 5 of the 14th amendment to the Constitution—

(1) to promote the national interest in reducing domestic violence, dating violence, sexual assault, and stalking by enabling victims of domestic or sexual violence to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize the physical and emotional injuries from domestic or sexual violence, and to reduce the devastating economic consequences of domestic or sexual violence to employers and employees;

(2) to promote the national interest in ensuring that victims of domestic or sexual violence can recover from and cope with the effects of such violence, and participate in criminal and civil justice processes, without fear of adverse economic consequences from their employers;

(3) to ensure that victims of domestic or sexual violence can recover from and cope with the effects of such violence, and participate in criminal and civil justice processes, without fear of adverse economic consequences with respect to public benefits;

(4) to promote the purposes of the 14th amendment by preventing sex-based discrimination and discrimination against victims of domestic and sexual violence in employment leave, addressing the failure of existing laws to protect the employment rights of victims of domestic or sexual violence, by protecting their civil and economic rights, and by furthering the equal opportunity of women for economic self-sufficiency and employment free from discrimination;

(5) to minimize the negative impact on interstate commerce from dislocations of employees and harmful effects on productivity, employment, health care costs, and employer costs, caused by domestic or sexual violence, including intentional efforts to frustrate women's ability to participate in employment and interstate commerce;

(6) to further the goals of human rights and dignity reflected in instruments such as the United Nations Charter, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights; and

(7) to accomplish the purposes described in paragraphs (1) through (6) by—

(A) entitling employed victims of domestic or sexual violence to take leave to seek medical help, legal assistance, counseling, safety planning, and other assistance without penalty from their employers; and

(B) prohibiting employers from discriminating against actual or perceived victims of domestic or sexual violence, in a manner that accommodates the legitimate interests of employers and protects the safety of all persons in the workplace.

**SEC. 102. ENTITLEMENT TO EMERGENCY LEAVE FOR ADDRESSING DOMESTIC OR SEXUAL VIOLENCE.**

(a) LEAVE REQUIREMENT.—

(1) BASIS.—An employee who is a victim of domestic or sexual violence may take leave from work to address domestic or sexual violence, by—

(A) seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;

(B) obtaining services from a victim services organization for the employee or the employee's family or household member;

(C) obtaining psychological or other counseling for the employee or the employee's family or household member;

(D) participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or ensure economic security; or

(E) seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

(2) PERIOD.—An employee may take not more than 30 days of leave, as described in paragraph (1), in any 12-month period.

(3) SCHEDULE.—Leave described in paragraph (1) may be taken intermittently or on a reduced leave schedule.

(b) NOTICE.—The employer shall provide the employer with reasonable notice of the employee's intention to take the leave, unless providing such notice is not practicable.

(c) CERTIFICATION.—

(1) IN GENERAL.—The employer may require the employee to provide certification to the employer that—

(A) the employee or the employee's family or household member is a victim of domestic or sexual violence; and

(B) the leave is for 1 of the purposes enumerated in subsection (a)(1).

The employee shall provide a copy of such certification to the employer within a reasonable period after the employer requests certification.

(2) CONTENTS.—An employee may satisfy the certification requirement of paragraph (1) by providing to the employer—

(A) a sworn statement of the employee;

(B) documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional, from whom the employee or the employee's family or household member has sought assistance in addressing domestic or sexual violence and the effects of the violence;

(C) a police or court record; or

(D) other corroborating evidence.

(d) CONFIDENTIALITY.—All information provided to the employer pursuant to subsection (b) or (c), including a statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee has requested or obtained leave pursuant to this section, shall be retained in the strictest confidence by the employer, except to the extent that disclosure is—

(1) requested or consented to by the employee in writing; or

(2) otherwise required by applicable Federal or State law.

(e) EMPLOYMENT AND BENEFITS.—

(1) RESTORATION TO POSITION.—

(A) IN GENERAL.—Except as provided in paragraph (2), any employee who takes leave under this section for the intended purpose of the leave shall be entitled, on return from such leave—

(i) to be restored by the employer to the position of employment held by the employee when the leave commenced; or

(ii) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

(B) LOSS OF BENEFITS.—The taking of leave under this section shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

(C) LIMITATIONS.—Nothing in this subsection shall be construed to entitle any restored employee to—

(i) the accrual of any seniority or employment benefits during any period of leave; or

(ii) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

(D) CONSTRUCTION.—Nothing in this paragraph shall be construed to prohibit an employer from requiring an employee on leave under this section to report periodically to the employer on the status and intention of the employee to return to work.

(2) EXEMPTION CONCERNING CERTAIN HIGHLY COMPENSATED EMPLOYEES.—

(A) DENIAL OF RESTORATION.—An employer may deny restoration under paragraph (1) to any employee described in subparagraph (B) if—

(i) such denial is necessary to prevent substantial and grievous economic injury to the operations of the employer;

(ii) the employer notifies the employee of the intent of the employer to deny restoration on such basis at the time the employer determines that such injury would occur; and

(iii) in any case in which the leave has commenced, the employee elects not to return to employment after receiving such notice.

(B) AFFECTED EMPLOYEES.—An employee referred to in subparagraph (A) is a salaried employee who is among the highest paid 10 percent of the employees employed by the employer within 75 miles of the facility at which the employee is employed.

(3) MAINTENANCE OF HEALTH BENEFITS.—

(A) COVERAGE.—Except as provided in subparagraph (B), during any period that an employee takes leave under this section, the employer shall maintain coverage under any group health plan (as defined in section 5000(b)(1) of the Internal Revenue Code of 1986) for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.

(B) FAILURE TO RETURN FROM LEAVE.—The employer may recover the premium that the employer paid for maintaining coverage for the employee under such group health plan during any period of leave under this section if—

(i) the employee fails to return from leave under this section after the period of leave to which the employee is entitled has expired; and

(ii) the employee fails to return to work for a reason other than—

(I) the continuation, recurrence, or onset of domestic or sexual violence, that entitles the employee to leave pursuant to this section; or

(II) other circumstances beyond the control of the employee.

(C) CERTIFICATION.—

(i) ISSUANCE.—An employer may require an employee who claims that the employee is unable to return to work because of a reason described in subclause (I) or (II) of subparagraph (B)(ii) to provide, within a reasonable period after making the claim, certification to the employer that the employee is unable to return to work because of that reason.

(ii) CONTENTS.—An employee may satisfy the certification requirement of clause (i) by providing to the employer—

(I) a sworn statement of the employee;

(II) documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional, from whom the employee has sought assistance in addressing domestic or sexual violence and the effects of that violence;

(III) a police or court record; or

(IV) other corroborating evidence.

(D) CONFIDENTIALITY.—All information provided to the employer pursuant to subparagraph (C), including a statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee is not returning to work because of a reason described in subclause (I) or (II) of subparagraph (B)(ii) shall be retained in the strictest confidence by the employer, except to the extent that disclosure is—

(i) requested or consented to by the employee; or

(ii) otherwise required by applicable Federal or State law.

(f) PROHIBITED ACTS.—

(A) INTERFERENCE WITH RIGHTS.—

(A) EXERCISE OF RIGHTS.—It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this section.

(B) EMPLOYER DISCRIMINATION.—It shall be unlawful for any employer to discharge or harass any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment of the individual (including retaliation in any form or manner) because the individual—

(i) exercised any right provided under this section; or

(ii) opposed any practice made unlawful by this section.

(C) PUBLIC AGENCY SANCTIONS.—It shall be unlawful for any public agency to deny, reduce, or terminate the benefits of, otherwise sanction, or harass any individual, or otherwise discriminate against any individual with respect to the amount, terms, or conditions of public assistance of the individual (including retaliation in any form or manner) because the individual—

(i) exercised any right provided under this section; or

(ii) opposed any practice made unlawful by this section.

(2) INTERFERENCE WITH PROCEEDINGS OR INQUIRIES.—It shall be unlawful for any person to discharge or in any other manner discriminate (as described in subparagraph (B) or (C) of paragraph (1)) against any individual because such individual—

(A) has filed any charge, or has instituted or caused to be instituted any proceeding, under or related to this section;

(B) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this section; or

(C) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this section.

(g) ENFORCEMENT.—

(1) CIVIL ACTION BY AFFECTED INDIVIDUALS.—

(A) LIABILITY.—Any employer or public agency that violates subsection (f) shall be liable to any individual affected—

(i) for damages equal to—

(I) the amount of—

(aa) any wages, salary, employment benefits, public assistance, or other compensation denied or lost to such individual by reason of the violation; or

(bb) in a case in which wages, salary, employment benefits, public assistance, or other compensation has not been denied or lost to the individual, any actual monetary losses sustained by the individual as a direct result of the violation;

(II) the interest on the amount described in subclause (I) calculated at the prevailing rate; and

(III) an additional amount as liquidated damages equal to the sum of the amount described in subclause (I) and the interest described in subclause (II), except that if an

employer or public agency that has violated subsection (f) proves to the satisfaction of the court that the act or omission that violated subsection (f) was in good faith and that the employer or public agency had reasonable grounds for believing that the act or omission was not a violation of subsection (f), such court may, in the discretion of the court, reduce the amount of the liability to the amount and interest determined under subclauses (I) and (II), respectively; and

(ii) for such equitable relief as may be appropriate, including employment, reinstatement, and promotion.

(B) RIGHT OF ACTION.—An action to recover the damages or equitable relief prescribed in subparagraph (A) may be maintained against any employer or public agency in any Federal or State court of competent jurisdiction by any 1 or more affected individuals for and on behalf of—

(i) the individuals; or

(ii) the individuals and other individuals similarly situated.

(C) FEES AND COSTS.—The court in such an action shall, in addition to any judgment awarded to the plaintiff, allow a reasonable attorney's fee, reasonable expert witness fees, and other costs of the action to be paid by the defendant.

(D) LIMITATIONS.—The right provided by subparagraph (B) to bring an action by or on behalf of any affected individual shall terminate—

(i) on the filing of a complaint by the Secretary in an action under paragraph (4) in which restraint is sought of any further delay in the payment of the amount described in subparagraph (A)(i) to such individual by an employer or public agency responsible under subparagraph (A) for the payment; or

(ii) on the filing of a complaint by the Secretary in an action under paragraph (2) in which a recovery is sought of the damages described in subparagraph (A)(i) owing to an affected individual by an employer or public agency liable under subparagraph (A), unless the action described in clause (i) or (ii) is dismissed without prejudice on motion of the Secretary.

(2) ACTION BY THE SECRETARY.—

(A) ADMINISTRATIVE ACTION.—The Secretary shall receive, investigate, and attempt to resolve complaints of violations of subsection (f) in the same manner as the Secretary receives, investigates, and attempts to resolve complaints of violations of sections 6 and 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 and 207).

(B) CIVIL ACTION.—The Secretary may bring an action in any court of competent jurisdiction to recover the damages described in paragraph (1)(A)(i).

(C) SUMS RECOVERED.—Any sums recovered by the Secretary pursuant to subparagraph (B) shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to each individual affected. Any such sums not paid to such an individual because of inability to do so within a period of 3 years shall be deposited into the Treasury of the United States as miscellaneous receipts.

(3) LIMITATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an action may be brought under this subsection not later than 2 years after the date of the last event constituting the alleged violation for which the action is brought.

(B) WILLFUL VIOLATION.—In the case of such action brought for a willful violation of subsection (f), such action may be brought within 3 years after the date of the last event constituting the alleged violation for which such action is brought.

(C) COMMENCEMENT.—In determining when an action is commenced by the Secretary under this subsection for the purposes of this paragraph, it shall be considered to be commenced on the date when the complaint is filed.

(4) ACTION FOR INJUNCTION BY SECRETARY.—The district courts of the United States shall have jurisdiction, for cause shown, in an action brought by the Secretary—

(A) to restrain violations of subsection (f), including the restraint of any withholding of payment of wages, salary, employment benefits, public assistance, or other compensation, plus interest, found by the court to be due to affected individuals; or

(B) to award such other equitable relief as may be appropriate, including employment, reinstatement, and promotion.

(5) SOLICITOR OF LABOR.—The Solicitor of Labor may appear for and represent the Secretary on any litigation brought under this subsection.

(6) EMPLOYER LIABILITY UNDER OTHER LAWS.—Nothing in this section shall be construed to limit the liability of an employer or public agency to an individual, for harm suffered relating to the individual's experience of domestic or sexual violence, pursuant to any other Federal or State law, including a law providing for a legal remedy.

**SEC. 103. EXISTING LEAVE USABLE FOR ADDRESSING DOMESTIC OR SEXUAL VIOLENCE.**

An employee who is entitled to take paid or unpaid leave (including family, medical, sick, annual, personal, or similar leave) from employment, pursuant to State or local law, a collective bargaining agreement, or an employment benefits program or plan, may elect to substitute any period of such leave for an equivalent period of leave provided under section 102.

**SEC. 104. EMERGENCY BENEFITS.**

(a) IN GENERAL.—A State may use funds provided to the State under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) to provide nonrecurrent short-term emergency benefits to an individual for any period of leave the individual takes pursuant to section 102.

(b) ELIGIBILITY.—In calculating the eligibility of an individual for such emergency benefits, the State shall count only the cash available or accessible to the individual.

(c) TIMING.—

(1) APPLICATIONS.—An individual seeking emergency benefits under subsection (a) from a State shall submit an application to the State.

(2) BENEFITS.—The State shall provide benefits to an eligible applicant under paragraph (1) on an expedited basis, and not later than 7 days after the applicant submits an application under paragraph (1).

(d) CONFORMING AMENDMENT.—Section 404 of the Social Security Act (42 U.S.C. 604) is amended by adding at the end the following:

“(1) AUTHORITY TO PROVIDE EMERGENCY BENEFITS.—A State that receives a grant under section 403 may use the grant to provide nonrecurrent short-term emergency benefits, in accordance with section 104 of the Security and Financial Empowerment Act, to individuals who take leave pursuant to section 102 of that Act, without regard to whether the individuals receive assistance under the State program funded under this part.”.

**SEC. 105. EFFECT ON OTHER LAWS AND EMPLOYMENT BENEFITS.**

(a) MORE PROTECTIVE LAWS, AGREEMENTS, PROGRAMS, AND PLANS.—Nothing in this title shall be construed to supersede any provision of any Federal, State, or local law, collective bargaining agreement, or employment benefits program or plan that provides—

(1) greater leave benefits for victims of domestic or sexual violence than the rights established under this title; or

(2) leave benefits for a larger population of victims of domestic or sexual violence (as defined in such law, agreement, program, or plan) than the victims of domestic or sexual violence covered under this title.

(b) **LESS PROTECTIVE LAWS, AGREEMENTS, PROGRAMS, AND PLANS.**—The rights established for victims of domestic or sexual violence under this title shall not be diminished by any State or local law, collective bargaining agreement, or employment benefits program or plan.

**SEC. 106. CONFORMING AMENDMENT.**

Section 1003(a)(1) of the Rehabilitation Act Amendments of 1986 (42 U.S.C. 2000d-7(a)(1)) is amended by inserting "title I or III of the Security and Financial Empowerment Act," before "or the provisions".

**SEC. 107. EFFECTIVE DATE.**

This title and the amendment made by this title take effect 180 days after the date of enactment of this Act.

**TITLE II—ENTITLEMENT TO UNEMPLOYMENT COMPENSATION FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**

**SEC. 201. PURPOSES.**

The purposes of this title are, pursuant to the affirmative power of Congress to enact legislation under the portions of section 8 of article I of the Constitution relating to laying and collecting taxes, providing for the general welfare, and regulation of commerce among the several States, and under section 5 of the 14th amendment to the Constitution—

(1) to promote the national interest in reducing domestic violence, dating violence, sexual assault, and stalking by enabling victims of domestic or sexual violence to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize the physical and emotional injuries from domestic or sexual violence, and to reduce the devastating economic consequences of domestic or sexual violence to employers and employees;

(2) to promote the national interest in ensuring that victims of domestic or sexual violence can recover from and cope with the effects of such victimization and participate in the criminal and civil justice processes without fear of adverse economic consequences;

(3) to minimize the negative impact on interstate commerce from dislocations of employees and harmful effects on productivity, loss of employment, health care costs, and employer costs, caused by domestic or sexual violence including intentional efforts to frustrate the ability of women to participate in employment and interstate commerce;

(4) to promote the purposes of the 14th amendment to the Constitution by preventing sex-based discrimination and discrimination against victims of domestic and sexual violence in unemployment insurance, by addressing the failure of existing laws to protect the employment rights of victims of domestic or sexual violence, by protecting their civil and economic rights, and by furthering the equal opportunity of women for economic self-sufficiency and employment free from discrimination; and

(5) to accomplish the purposes described in paragraphs (1) through (4) by providing unemployment insurance to those who are separated from their employment as a result of domestic or sexual violence, in a manner that accommodates the legitimate interests of employers and protects the safety of all persons in the workplace.

**SEC. 202. UNEMPLOYMENT COMPENSATION AND TRAINING PROVISIONS.**

(a) **UNEMPLOYMENT COMPENSATION.**—Section 3304 of the Internal Revenue Code of 1986 (relating to approval of State unemployment compensation laws) is amended—

(1) in subsection (a)—

(A) in paragraph (18), by striking "and" at the end;

(B) by redesignating paragraph (19) as paragraph (20); and

(C) by inserting after paragraph (18) the following new paragraph:

"(19) compensation shall not be denied where an individual is separated from employment due to circumstances resulting from the individual's experience of domestic or sexual violence; and"; and

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

"(g) **CONSTRUCTION.**—

"(1) **IN GENERAL.**—For purposes of subsection (a)(19), an individual's separation from employment shall be treated as due to circumstances resulting from the individual's experience of domestic or sexual violence if the separation resulted from—

"(A) the individual's reasonable fear of future domestic or sexual violence at or en route to or from the individual's place of employment;

"(B) the individual's wish to relocate in order to avoid future domestic or sexual violence against the individual or the individual's family or household member (as such term is defined in section 3 of the Security and Financial Empowerment Act);

"(C) the individual's need to obtain treatment to address the physical, psychological, or legal effects of domestic or sexual violence on the individual or the individual's family or household member (as such term is defined in section 3 of the Security and Financial Empowerment Act);

"(D) the employer's denial of the individual's request for leave from employment to address domestic or sexual violence and its effects on the individual or the individual's family or household member (as such term is defined in section 3 of the Security and Financial Empowerment Act), including leave authorized by section 102 of the Family and Medical Leave Act of 1993 or by title I of the Security and Financial Empowerment Act;

"(E) the employer's termination of the individual's employment due to actions, including absences, taken by the individual that were necessary to protect the individual or the individual's family or household member (as such term is defined in section 3 of the Security and Financial Empowerment Act) from domestic or sexual violence;

"(F) the employer's termination of the individual due to circumstances resulting from the individual's being, or being perceived to be, a victim of domestic or sexual violence; or

"(G) any other circumstance in which domestic or sexual violence causes the individual to reasonably believe that separation from employment is necessary for the future safety of the individual or the individual's family or household member (as such term is defined in section 3 of the Security and Financial Empowerment Act).

"(2) **REASONABLE EFFORTS TO RETAIN EMPLOYMENT.**—For purposes of subsection (a)(19), if State law requires the individual to have made reasonable efforts to retain employment as a condition for receiving unemployment compensation, such requirement shall be met if the individual—

"(A) sought protection from, or assistance in responding to, domestic or sexual violence, including calling the police, obtaining services from a victim services organization (as defined in section 3 of the Security and Financial Empowerment Act), or seeking

legal, social work, medical, clerical, or other assistance;

"(B) sought safety, including refuge in a shelter or temporary or permanent relocation, whether or not the individual actually obtained such refuge or accomplished such relocation; or

"(C) reasonably believed that options such as taking a leave of absence, transferring jobs, or receiving an alternative work schedule would not be sufficient to guarantee the safety of the individual or the individual's family or household member (as such term is defined in section 3 of the Security and Financial Empowerment Act).

"(3) **ACTIVE SEARCH FOR EMPLOYMENT.**—For purposes of subsection (a)(19), if State law requires the individual to actively search for employment after separation from employment as a condition for receiving unemployment compensation—

"(A) such requirement shall be treated as met where the individual registers for work (the individual is not otherwise required to seek employment on a weekly basis); and

"(B) such law may not categorize an employment opportunity as suitable work for the individual unless such employment opportunity reasonably accommodates the individual's need to address the physical, psychological, legal, and other effects of domestic or sexual violence.

"(4) **PROVISION OF INFORMATION TO MEET CERTAIN REQUIREMENTS.**—

"(A) **IN GENERAL.**—In determining if an individual meets the requirements of paragraphs (1), (2), and (3), the unemployment agency of the State in which an individual is requesting unemployment compensation by reason of subsection (a)(19) may require the individual to provide certification that the separation from employment was due to circumstances resulting from the individual's, or the individual's family or household member's (as such term is defined in section 3 of the Security and Financial Empowerment Act), experience of domestic or sexual violence.

"(B) **SATISFACTION OF CERTIFICATION REQUIREMENT.**—An individual may satisfy the certification requirement of subparagraph (A) by providing to the unemployment agency—

"(i) a sworn statement of the individual;

"(ii) documentation from an employee, agent, or volunteer of a victim services organization (as defined in section 3 of the Security and Financial Empowerment Act), an attorney, a member of the clergy, or a medical or other professional, from whom the individual or the individual's family or household member (as such term is defined in section 3 of the Security and Financial Empowerment Act) has sought assistance in addressing domestic or sexual violence and the effects of that violence;

"(iii) a police or court record; or

"(iv) other corroborating evidence.

"(C) **CONFIDENTIALITY.**—All information provided to the unemployment agency pursuant to this paragraph, including a statement of an individual or any other documentation, record, or corroborating evidence, and the fact that an individual has applied for, inquired about, or obtained unemployment compensation available by reason of subsection (a)(19) shall be retained in the strictest confidence by the individual's former or current employer and the unemployment agency, except to the extent that disclosure is—

"(i) requested or consented to by the individual in writing; or

"(ii) otherwise required by applicable Federal or State law."

(b) UNEMPLOYMENT COMPENSATION PERSONNEL TRAINING.—Section 303(a) of the Social Security Act (42 U.S.C. 503(a)) is amended—

(1) by redesignating paragraphs (4) through (10) as paragraphs (5) through (11), respectively; and

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

“(4) Such methods of administration as will ensure that—

“(A) applicants for unemployment compensation and individuals inquiring about such compensation are adequately notified of the provisions of subsections (a)(19) and (g) of section 3304 of the Internal Revenue Code of 1986 (relating to the availability of unemployment compensation for victims of domestic or sexual violence); and

“(B) claims reviewers and hearing personnel are adequately trained in—

“(i) the nature and dynamics of domestic or sexual violence (as defined in section 3306(u) of the Internal Revenue Code of 1986); and

“(ii) methods of ascertaining and keeping confidential information about possible experiences of domestic or sexual violence (as so defined) to ensure that—

“(I) requests for unemployment compensation based on separations stemming from such violence are reliably screened, identified, and adjudicated; and

“(II) full confidentiality is provided for the individual's claim and submitted evidence; and”.

(c) TANF PERSONNEL TRAINING.—Section 402(a) of the Social Security Act (42 U.S.C. 602(a)) is amended by adding at the end the following new paragraph:

“(8) CERTIFICATION THAT THE STATE WILL PROVIDE INFORMATION TO VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE.—A certification by the chief officer of the State that the State has established and is enforcing standards and procedures to—

“(A) ensure that applicants for assistance under the program and individuals inquiring about such assistance are adequately notified of—

“(i) the provisions of subsections (a)(19) and (g) of section 3304 of the Internal Revenue Code of 1986 (relating to the availability of unemployment compensation for victims of domestic or sexual violence); and

“(ii) assistance made available by the State to victims of domestic or sexual violence;

“(B) ensure that case workers and other agency personnel responsible for administering the State program funded under this part are adequately trained in—

“(i) the nature and dynamics of domestic or sexual violence (as defined in section 3306(u) of the Internal Revenue Code of 1986);

“(ii) State standards and procedures relating to the prevention of, and assistance for individuals who experience, domestic or sexual violence (as so defined); and

“(iii) methods of ascertaining and keeping confidential information about possible experiences of domestic or sexual violence (as so defined);

“(C) if a State has elected to establish and enforce standards and procedures regarding the screening for and identification of domestic violence pursuant to paragraph (7), ensure that—

“(i) applicants for assistance under the program and individuals inquiring about such assistance are adequately notified of options available under such standards and procedures; and

“(ii) case workers and other agency personnel responsible for administering the State program funded under this part are provided with adequate training regarding such standards and procedures and options

available under such standards and procedures; and

“(D) ensure that the training required under subparagraphs (B) and, if applicable, (C)(ii) is provided through a training program operated by an eligible entity (as defined in section 202(d)(2) of the Security and Financial Empowerment Act).”.

(d) DOMESTIC AND SEXUAL VIOLENCE TRAINING GRANT PROGRAM.—

(1) GRANTS AUTHORIZED.—The Secretary of Health and Human Services (in this subsection referred to as the “Secretary”) is authorized to award—

(A) a grant to a national victim services organization in order for such organization to—

(i) develop and disseminate a model training program (and related materials) for the training required under section 303(a)(4)(B) of the Social Security Act (42 U.S.C. 503(a)(4)(B)), as added by subsection (b), and under subparagraphs (B) and, if applicable, (C)(ii) of section 402(a)(8) of the such Act (42 U.S.C. 602(a)(8)), as added by subsection (c); and

(ii) provide technical assistance with respect to such model training program; and

(B) grants to State, tribal, or local agencies in order for such agencies to contract with eligible entities to provide State, tribal, or local case workers and other State, tribal, or local agency personnel responsible for administering the temporary assistance to needy families program established under part A of title IV of the Social Security Act in a State or Indian reservation with the training required under subparagraphs (B) and, if applicable, (C)(ii) of such section 402(a)(8).

(2) ELIGIBLE ENTITY DEFINED.—For purposes of paragraph (1)(B), the term “eligible entity” means an entity—

(A) that is—

(i) a State or tribal domestic violence coalition or sexual assault coalition;

(ii) a State or local victim services organization with recognized expertise in the dynamics of domestic or sexual violence whose primary mission is to provide services to victims of domestic or sexual violence, such as a rape crisis center or domestic violence program; or

(iii) an organization with demonstrated expertise in State or county welfare laws and implementation of such laws and experience with disseminating information on such laws and implementation, but only if such organization will provide the required training in partnership with an entity described in clause (i) or (ii); and

(B) that—

(i) has demonstrated expertise in both domestic and sexual assault, such as a joint domestic violence and sexual assault coalition; or

(ii) will provide the required training in partnership with an entity described in clause (i) or (ii) of subparagraph (A) in order to comply with the dual domestic violence and sexual assault expertise requirement under clause (i).

(3) APPLICATION.—An entity seeking a grant under this subsection shall submit an application to the Secretary at such time, in such form and manner, and containing such information as the Secretary specifies.

(4) REPORTS.—

(A) REPORTS TO CONGRESS.—The Secretary shall annually submit a report to Congress on the grant program established under this subsection.

(B) REPORTS AVAILABLE TO PUBLIC.—The Secretary shall establish procedures for the dissemination to the public of each report submitted under subparagraph (A). Such procedures shall include the use of the Internet to disseminate such reports.

(5) AUTHORIZATION OF APPROPRIATIONS.—

(A) AUTHORIZATION.—There are authorized to be appropriated—

(i) \$1,000,000 for fiscal year 2004 to carry out the provisions of paragraph (1)(A); and

(ii) \$12,000,000 for each of fiscal years 2005 through 2007 to carry out the provisions of paragraph (1)(B).

(B) THREE-YEAR AVAILABILITY OF GRANT FUNDS.—Each recipient of a grant under this subsection shall return to the Secretary of Health and Human Services any unused portion of such grant not later than 3 years after the date the grant was awarded, together with any earnings on such unused portion.

(C) AMOUNTS RETURNED.—Any amounts returned pursuant to subparagraph (B) shall be available without further appropriation to the Secretary of Health and Human Services for the purpose of carrying out the provisions of paragraph (1)(B).

(e) DEFINITION OF DOMESTIC OR SEXUAL VIOLENCE.—Section 3306 of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end the following:

“(u) DOMESTIC OR SEXUAL VIOLENCE.—For purposes of this chapter, the term ‘domestic or sexual violence’ means domestic violence, dating violence, sexual assault, or stalking, as those terms are defined in section 3 of the Security and Financial Empowerment Act.”.

(f) EFFECTIVE DATE.—

(1) UNEMPLOYMENT AMENDMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B) and paragraph (2), the amendments made by this section shall apply in the case of compensation paid for weeks beginning on or after the expiration of 180 days from the date of enactment of this Act.

(B) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—

(i) IN GENERAL.—If the Secretary of Labor identifies a State as requiring a change to its statutes or regulations in order to comply with the amendments made by this section (excluding the amendment made by subsection (c)), such amendments shall apply in the case of compensation paid for weeks beginning after the earlier of—

(I) the date the State changes its statutes or regulations in order to comply with such amendments; or

(II) the end of the first session of the State legislature which begins after the date of enactment of this Act or which began prior to such date and remained in session for at least 25 calendar days after such date; except that in no case shall such amendments apply before the date that is 180 days after the date of enactment of this Act.

(ii) SESSION DEFINED.—In this subparagraph, the term “session” means a regular, special, budget, or other session of a State legislature.

(2) TANF AMENDMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendment made by subsection (c) shall take effect on the date of enactment of this Act.

(B) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under part A of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendment made by subsection (c), the State plan shall not be regarded as failing to comply with the requirements of such amendment on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the

case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

**TITLE III—VICTIMS' EMPLOYMENT SUSTAINABILITY**

**SEC. 301. SHORT TITLE.**

This title may be cited as the "Victims' Employment Sustainability Act".

**SEC. 302. PURPOSES.**

The purposes of this title are, pursuant to the affirmative power of Congress to enact legislation under the portions of section 8 of article I of the Constitution relating to providing for the general welfare and to regulation of commerce among the several States, and under section 5 of the 14th amendment to the Constitution—

(1) to promote the national interest in reducing domestic violence, dating violence, sexual assault, and stalking by enabling victims of domestic or sexual violence to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize the physical and emotional injuries from domestic or sexual violence, and to reduce the devastating economic consequences of domestic or sexual violence to employers and employees;

(2) to promote the national interest in ensuring that victims of domestic or sexual violence can recover from and cope with the effects of such violence, and participate in criminal and civil justice processes, without fear of adverse economic consequences from their employers;

(3) to ensure that victims of domestic or sexual violence can recover from and cope with the effects of such violence, and participate in criminal and civil justice processes, without fear of adverse economic consequences with respect to public benefits;

(4) to promote the purposes of the 14th amendment to the Constitution by preventing sex-based discrimination and discrimination against victims of domestic and sexual violence in employment, by addressing the failure of existing laws to protect the employment rights of victims of domestic or sexual violence, by protecting the civil and economic rights of victims of domestic or sexual violence, and by furthering the equal opportunity of women for economic self-sufficiency and employment free from discrimination;

(5) to minimize the negative impact on interstate commerce from dislocations of employees and harmful effects on productivity, employment, health care costs, and employer costs, caused by domestic or sexual violence, including intentional efforts to frustrate women's ability to participate in employment and interstate commerce; and

(6) to accomplish the purposes described in paragraphs (1) through (5) by prohibiting employers from discriminating against actual or perceived victims of domestic or sexual violence, in a manner that accommodates the legitimate interests of employers and protects the safety of all persons in the workplace.

**SEC. 303. PROHIBITED DISCRIMINATORY ACTS.**

(a) IN GENERAL.—An employer shall not fail to hire, refuse to hire, discharge, or harass any individual, or otherwise discriminate against any individual with respect to the compensation, terms, conditions, or privileges of employment of the individual (including retaliation in any form or manner), and a public agency shall not deny, reduce, or terminate the benefits of, otherwise sanction, or harass any individual, or otherwise discriminate against any individual with respect to the amount, terms, or conditions of public assistance of the individual (including retaliation in any form or manner), because—

(1) the individual involved—

(A) is or is perceived to be a victim of domestic or sexual violence;

(B) attended, participated in, prepared for, or requested leave to attend, participate in, or prepare for, a criminal or civil court proceeding relating to an incident of domestic or sexual violence of which the individual, or the family or household member of the individual, was a victim; or

(C) requested an adjustment to a job structure, workplace facility, or work requirement, including a transfer, reassignment, or modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, or implementation of a safety procedure, in response to actual or threatened domestic or sexual violence, regardless of whether the request was granted; or

(2) the workplace is disrupted or threatened by the action of a person whom the individual states has committed or threatened to commit domestic or sexual violence against the individual, or the individual's family or household member.

(b) DEFINITIONS.—In this section:

(1) DISCRIMINATE.—The term "discriminate", used with respect to the terms, conditions, or privileges of employment or with respect to the terms or conditions of public assistance, includes not making a reasonable accommodation to the known limitations of an otherwise qualified individual—

(A) who is a victim of domestic or sexual violence;

(B) who is—

(i) an applicant or employee of the employer (including a public agency); or

(ii) an applicant for or recipient of public assistance from the public agency; and

(C) whose limitations resulted from circumstances relating to being a victim of domestic or sexual violence;

unless the employer or public agency can demonstrate that the accommodation would impose an undue hardship on the operation of the employer or public agency.

(2) QUALIFIED INDIVIDUAL.—The term "qualified individual" means—

(A) in the case of an applicant or employee described in paragraph (1)(B)(i), an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires; or

(B) in the case of an applicant or recipient described in paragraph (1)(B)(ii), an individual who, with or without reasonable accommodation, can satisfy the essential requirements of the program providing the public assistance that the individual receives or desires.

(3) REASONABLE ACCOMMODATION.—The term "reasonable accommodation" may include an adjustment to a job structure, workplace facility, or work requirement, including a transfer, reassignment, or modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, or implementation of a safety procedure, in response to actual or threatened domestic or sexual violence.

(4) UNDUHARDSHIP.—

(A) IN GENERAL.—The term "undue hardship" means an action requiring significant difficulty or expense, when considered in light of the factors set forth in subparagraph (B).

(B) FACTORS TO BE CONSIDERED.—In determining whether a reasonable accommodation would impose an undue hardship on the operation of an employer or public agency, factors to be considered include—

(i) the nature and cost of the reasonable accommodation needed under this section;

(ii) the overall financial resources of the facility involved in the provision of the reasonable accommodation, the number of per-

sons employed at such facility, the effect on expenses and resources, or the impact otherwise of such accommodation on the operation of the facility;

(iii) the overall financial resources of the employer or public agency, the overall size of the business of an employer or public agency with respect to the number of employees of the employer or public agency, and the number, type, and location of the facilities of an employer or public agency; and

(iv) the type of operation of the employer or public agency, including the composition, structure, and functions of the workforce of the employer or public agency, the geographic separateness of the facility from the employer or public agency, and the administrative or fiscal relationship of the facility to the employer or public agency.

**SEC. 304. ENFORCEMENT.**

(a) CIVIL ACTION BY INDIVIDUALS.—

(1) LIABILITY.—Any employer or public agency that violates section 303 shall be liable to any individual affected for—

(A) damages equal to the amount of wages, salary, employment benefits, public assistance, or other compensation denied or lost to such individual by reason of the violation, and the interest on that amount calculated at the prevailing rate;

(B) compensatory damages, including damages for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment or life, and other nonpecuniary losses;

(C) such punitive damages, up to 3 times the amount of actual damages sustained, as the court described in paragraph (2) shall determine to be appropriate; and

(D) such equitable relief as may be appropriate, including employment, reinstatement, and promotion.

(2) RIGHT OF ACTION.—An action to recover the damages or equitable relief prescribed in paragraph (1) may be maintained against any employer or public agency in any Federal or State court of competent jurisdiction by any 1 or more individuals described in section 303.

(b) ACTION BY DEPARTMENT OF JUSTICE.—The Attorney General may bring a civil action in any Federal or State court of competent jurisdiction to recover the damages or equitable relief described in subsection (a)(1).

**SEC. 305. ATTORNEY'S FEES.**

Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended by inserting "the Victims' Employment Sustainability Act," after "title VI of the Civil Rights Act of 1964,".

**TITLE IV—VICTIMS OF ABUSE INSURANCE PROTECTION**

**SEC. 401. SHORT TITLE.**

This title may be cited as the "Victims of Abuse Insurance Protection Act".

**SEC. 402. DEFINITIONS.**

In this title:

(1) ABUSE.—The term "abuse" means the occurrence of 1 or more of the following acts by a current or former household or family member, intimate partner, or caretaker:

(A) Attempting to cause or causing another person bodily injury, physical harm, substantial emotional distress, psychological trauma, rape, sexual assault, or involuntary sexual intercourse.

(B) Engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority and under circumstances that place the person in reasonable fear of bodily injury or physical harm.

(C) Subjecting another person to false imprisonment or kidnapping.

(D) Attempting to cause or causing damage to property so as to intimidate or attempt to control the behavior of another person.

(2) **HEALTH CARRIER.**—The term “health carrier” means a person that contracts or offers to contract on a risk-assuming basis to provide, deliver, arrange for, pay for, or reimburse any of the cost of health care services, including a sickness and accident insurance company, a health maintenance organization, a nonprofit hospital and health service corporation or any other entity providing a plan of health insurance, health benefits or health services.

(3) **INSURED.**—The term “insured” means a party named on a policy, certificate, or health benefit plan, including an individual, corporation, partnership, association, unincorporated organization, or any similar entity, as the person with legal rights to the benefits provided by the policy, certificate, or health benefit plan. For group insurance, such term includes a person who is a beneficiary covered by a group policy, certificate, or health benefit plan. For life insurance, the term refers to the person whose life is covered under an insurance policy.

(4) **INSURER.**—The term “insurer” means any person, reciprocal exchange, inter insurer, Lloyds insurer, fraternal benefit society, or other legal entity engaged in the business of insurance, including agents, brokers, adjusters, and third-party administrators; and employers who provide or make available employment benefits through an employee benefit plan, as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 102(3)). The term also includes health carriers, health benefit plans, and life, disability, and property and casualty insurers.

(5) **POLICY.**—The term “policy” means a contract of insurance, certificate, indemnity, suretyship, or annuity issued, proposed for issuance or intended for issuance by an insurer, including endorsements or riders to an insurance policy or contract.

(6) **SUBJECT OF ABUSE.**—The term “subject of abuse” means—

(A) a person against whom an act of abuse has been directed;

(B) a person who has prior or current injuries, illnesses, or disorders that resulted from abuse; or

(C) a person who seeks, may have sought, or had reason to seek medical or psychological treatment for abuse, protection, court-ordered protection, or shelter from abuse.

**SEC. 403. DISCRIMINATORY ACTS PROHIBITED.**

(a) **IN GENERAL.**—No insurer may, directly or indirectly, engage in any of the following acts or practices on the basis that the applicant or insured, or any person employed by the applicant or insured or with whom the applicant or insured is known to have a relationship or association, is, has been, or may be the subject of abuse or has incurred or may incur abuse-related claims:

(1) Denying, refusing to issue, renew or reissue, or canceling or otherwise terminating an insurance policy or health benefit plan.

(2) Restricting, excluding, or limiting insurance coverage for losses or denying a claim, except as otherwise permitted or required by State laws relating to life insurance beneficiaries.

(3) Adding a premium differential to any insurance policy or health benefit plan.

(b) **PROHIBITION ON LIMITATION OF CLAIMS.**—No insurer may, directly or indirectly, deny or limit payment of a claim incurred by an innocent insured as a result of abuse.

(c) **PROHIBITION ON TERMINATION.**—

(1) **IN GENERAL.**—No insurer or health carrier may terminate health coverage for a subject of abuse because coverage was originally issued in the name of the abuser and the abuser has divorced, separated from, or lost custody of the subject of abuse or the

abuser’s coverage has terminated voluntarily or involuntarily and the subject of abuse does not qualify for an extension of coverage under part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.) or section 4980B of the Internal Revenue Code of 1986.

(2) **PAYMENT OF PREMIUMS.**—Nothing in paragraph (1) shall be construed to prohibit the insurer from requiring that the subject of abuse pay the full premium for the subject’s coverage under the health plan if the requirements are applied to all insured of the health carrier.

(3) **EXCEPTION.**—An insurer may terminate group coverage to which this subsection applies after the continuation coverage period required by this subsection has been in force for 18 months if it offers conversion to an equivalent individual plan.

(4) **CONTINUATION COVERAGE.**—The continuation of health coverage required by this subsection shall be satisfied by any extension of coverage under part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.) or section 4980B of the Internal Revenue Code of 1986 provided to a subject of abuse and is not intended to be in addition to any extension of coverage otherwise provided for under such part 6 or section 4980B.

(d) **USE OF INFORMATION.**—

(1) **LIMITATION.**—

(A) **IN GENERAL.**—In order to protect the safety and privacy of subjects of abuse, no person employed by or contracting with an insurer or health benefit plan may—

(i) use, disclose, or transfer information relating to abuse status, acts of abuse, abuse-related medical conditions or the applicant’s or insured’s status as a family member, employer, associate, or person in a relationship with a subject of abuse for any purpose unrelated to the direct provision of health care services unless such use, disclosure, or transfer is required by an order of an entity with authority to regulate insurance or an order of a court of competent jurisdiction; or

(ii) disclose or transfer information relating to an applicant’s or insured’s mailing address or telephone number or the mailing address and telephone number of a shelter for subjects of abuse, unless such disclosure or transfer—

(I) is required in order to provide insurance coverage; and

(II) does not have the potential to endanger the safety of a subject of abuse.

(B) **RULE OF CONSTRUCTION.**—Nothing in this paragraph may be construed to limit or preclude a subject of abuse from obtaining the subject’s own insurance records from an insurer.

(2) **AUTHORITY OF SUBJECT OF ABUSE.**—A subject of abuse, at the absolute discretion of the subject of abuse, may provide evidence of abuse to an insurer for the limited purpose of facilitating treatment of an abuse-related condition or demonstrating that a condition is abuse-related. Nothing in this paragraph shall be construed as authorizing an insurer or health carrier to disregard such provided evidence.

**SEC. 404. INSURANCE PROTOCOLS FOR SUBJECTS OF ABUSE.**

Insurers shall develop and adhere to written policies specifying procedures to be followed by employees, contractors, producers, agents, and brokers for the purpose of protecting the safety and privacy of a subject of abuse and otherwise implementing this title when taking an application, investigating a claim, or taking any other action relating to a policy or claim involving a subject of abuse.

**SEC. 405. REASONS FOR ADVERSE ACTIONS.**

An insurer that takes an action that adversely affects a subject of abuse, shall ad-

verse the subject of abuse applicant or insured of the specific reasons for the action in writing. For purposes of this section, reference to general underwriting practices or guidelines shall not constitute a specific reason.

**SEC. 406. LIFE INSURANCE.**

Nothing in this title shall be construed to prohibit a life insurer from declining to issue a life insurance policy if the applicant or prospective owner of the policy is or would be designated as a beneficiary of the policy, and if—

(1) the applicant or prospective owner of the policy lacks an insurable interest in the insured; or

(2) the applicant or prospective owner of the policy is known, on the basis of police or court records, to have committed an act of abuse against the proposed insured.

**SEC. 407. SUBROGATION WITHOUT CONSENT PROHIBITED.**

Subrogation of claims resulting from abuse is prohibited without the informed consent of the subject of abuse.

**SEC. 408. ENFORCEMENT.**

(a) **FEDERAL TRADE COMMISSION.**—

(1) **IN GENERAL.**—The Federal Trade Commission shall have the power to examine and investigate any insurer to determine whether such insurer has been or is engaged in any act or practice prohibited by this title.

(2) **CEASE AND DESIST ORDERS.**—If the Federal Trade Commission determines an insurer has been or is engaged in any act or practice prohibited by this title, the Commission may take action against such insurer by the issuance of a cease and desist order as if the insurer was in violation of section 5 of the Federal Trade Commission Act. Such cease and desist order may include any individual relief warranted under the circumstances, including temporary, preliminary, and permanent injunctive and compensatory relief.

(b) **PRIVATE CAUSE OF ACTION.**—

(1) **IN GENERAL.**—An applicant or insured who believes that the applicant or insured has been adversely affected by an act or practice of an insurer in violation of this title may maintain an action against the insurer in a Federal or State court of original jurisdiction.

(2) **RELIEF.**—Upon proof of such conduct by a preponderance of the evidence in an action described in paragraph (1), the court may award appropriate relief, including temporary, preliminary, and permanent injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for the aggrieved individual’s attorneys and expert witnesses.

(3) **STATUTORY DAMAGES.**—With respect to compensatory damages in an action described in paragraph (1), the aggrieved individual may elect, at any time prior to the rendering of final judgment, to recover in lieu of actual damages, an award of statutory damages in the amount of \$5,000 for each violation.

**SEC. 409. EFFECTIVE DATE.**

This title shall apply with respect to any action taken on or after the date of enactment of this Act.

**TITLE V—WORKPLACE SAFETY PROGRAM TAX CREDIT**

**SEC. 501. CREDIT FOR COSTS TO EMPLOYERS OF IMPLEMENTING WORKPLACE SAFETY PROGRAMS.**

(a) **IN GENERAL.**—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following:

**“SEC. 45G. WORKPLACE SAFETY PROGRAM CREDIT.**

“(a) **IN GENERAL.**—For purposes of section 38, the workplace safety program credit determined under this section for the taxable

year is, for any employer, an amount equal to 40 percent of the domestic and sexual violence safety and education costs paid or incurred by such employer during the taxable year.

“(b) DEFINITIONS.—For purposes of this section—

“(1) DOMESTIC AND SEXUAL VIOLENCE SAFETY AND EDUCATION COST.—

“(A) IN GENERAL.—The term ‘domestic and sexual violence safety and education cost’ means any cost certified by the Secretary of Labor to the Secretary as being for the purpose of—

“(i) ensuring the safety of employees from domestic or sexual violence,

“(ii) providing assistance to employees and the spouses and dependents of employees with respect to domestic or sexual violence,

“(iii) providing legal or medical services to employees and the spouses and dependents of employees subjected to, or at risk from, domestic or sexual violence,

“(iv) educating employees about the issue of domestic or sexual violence, or

“(v) implementing human resource or personnel policies initiated to protect employees from domestic or sexual violence or to support employees who have been victims of domestic or sexual violence.

“(B) TYPES OF COSTS.—Such term includes costs certified by the Secretary of Labor to the Secretary as being for the purpose of—

“(i) the hiring of new security personnel in order to address domestic or sexual violence,

“(ii) the creation of buddy systems or escort systems for walking employees to parking lots, parked cars, subway stations, or bus stops, in order to address domestic or sexual violence,

“(iii) the purchase or installation of new security equipment, including surveillance equipment, lighting fixtures, cardkey access systems, and identification systems, in order to address domestic or sexual violence,

“(iv) the establishment of an employee assistance line or other employee assistance services, in order to address domestic or sexual violence, for the use of individual employees, including counseling or referral services undertaken in consultation and coordination with national, State, or local domestic violence coalitions, sexual assault coalitions, domestic violence programs, or sexual assault programs,

“(v) the retention of an attorney to provide legal services to employees seeking restraining orders or other legal recourse from domestic or sexual violence,

“(vi) the establishment of medical services addressing the medical needs of employees who are victims of domestic or sexual violence,

“(vii) the retention of a financial expert or an accountant to provide financial counseling to employees seeking to escape from domestic or sexual violence,

“(viii) the establishment of an education program for employees, consisting of seminars or training sessions about domestic or sexual violence undertaken in consultation and coordination with national, State, or local domestic violence coalitions, sexual assault coalitions, domestic violence programs, or sexual assault programs,

“(ix) studies of the cost, impact, or extent of domestic or sexual violence at the employer’s place of business, if such studies are made available to the public and protect the identity of employees included in the study,

“(x) the publication of a regularly disseminated newsletter or other regularly disseminated educational materials about domestic or sexual violence,

“(xi) the implementation of leave policies for the purpose of allowing or accommodating the needs of victims of domestic or sexual violence to pursue counseling, legal

assistance, or safety planning, including leave from work to attend meetings with attorneys, to give evidentiary statements or depositions, and to attend hearings or trials in court,

“(xii) the implementation of flexible work policies for the purpose of allowing or accommodating the needs of employees who are victims of domestic or sexual violence, or employees at risk with respect to such crimes, to avoid assailants,

“(xiii) the implementation of transfer policies for the purpose of allowing or accommodating the needs of employees subjected to domestic or sexual violence to change office locations within the company in order to avoid assailants or to allow the transfer of an employee who has perpetrated domestic or sexual violence in order to protect the victim, including payment of costs for the transfer and relocation of an employee to another city, county, State, or country for the purpose of maintaining an employee’s safety from domestic or sexual violence, or

“(xiv) the provision of any of the services described in clauses (iv) through (viii) to the spouses or dependents of employees.

“(C) NOTIFICATION OF POSSIBLE TAX CONSEQUENCES.—In no event shall any cost for goods or services which may be included in the income of any employee receiving or benefiting from such goods or services be treated as a domestic and sexual violence safety and education cost unless the employer notifies the employee in writing of the possibility of such inclusion.

“(2) DOMESTIC OR SEXUAL VIOLENCE.—The term ‘domestic or sexual violence’ means domestic violence, dating violence, sexual assault, or stalking, as those terms are defined in section 3 of the Security and Financial Empowerment Act.

“(3) DOMESTIC VIOLENCE COALITION; SEXUAL ASSAULT COALITION.—The terms ‘domestic violence coalition’ and ‘sexual assault coalition’ have the meanings given the terms in section 3 of the Security and Financial Empowerment Act.

“(4) EMPLOYEE.—The term ‘employee’ means a person who is an employee, as defined in section 3(9) of the Security and Financial Empowerment Act, except that the person may be employed by any employer described in paragraph (5).

“(5) EMPLOYER.—The term ‘employer’ means a person who is an employer, as defined in section 3(10) of such Act, determined without regard to the number of individuals employed.

“(c) COORDINATION WITH OTHER PROVISIONS.—No credit or deduction shall be allowed under any other provision of this title for any amount for which a credit is allowed under this section.”.

(b) TREATMENT AS GENERAL BUSINESS CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 38 of the Internal Revenue Code of 1986 (relating to general business credit) is amended by striking “plus” at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting “, plus”, and by adding at the end the following:

“(16) the workplace safety program credit determined under section 45G.”.

(2) TRANSITIONAL RULE FOR CARRYBACKS.—Subsection (d) of section 39 of such Code (relating to transitional rules) is amended by adding at the end the following:

“(11) NO CARRYBACK OF SECTION 45G CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the workplace safety program credit determined under section 45G may be carried back to a taxable year beginning before January 1, 2004.”.

(3) DEDUCTION FOR UNUSED CREDITS.—Subsection (c) of section 196 of such Code (relat-

ing to deduction for certain unused business credits) is amended by striking “and” at the end of paragraph (9), by striking the period at the end of paragraph (10) and inserting “, and”, and by adding at the end the following:

“(11) the workplace safety program credit determined under section 45G.”.

(c) CREDIT NOT A DEFENSE IN LEGAL ACTIONS.—The allowance of a credit under section 45G of the Internal Revenue Code of 1986 (as added by this section) shall not absolve employers of their responsibilities under any other law and shall not be construed as a defense to any legal action (other than legal action by the Secretary of the Treasury under such Code).

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“Sec. 45G. Workplace safety program credit.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

#### TITLE VI—NATIONAL CLEARINGHOUSE ON DOMESTIC AND SEXUAL VIOLENCE IN THE WORKPLACE GRANT

##### SEC. 601. NATIONAL CLEARINGHOUSE ON DOMESTIC AND SEXUAL VIOLENCE IN THE WORKPLACE GRANT.

(a) AUTHORITY.—The Attorney General may award a grant in accordance with this section to a private, nonprofit entity or tribal organization that meets the requirements of subsection (b), in order to provide for the establishment and operation of a national clearinghouse and resource center to provide information and assistance to employers, labor organizations, and advocates on behalf of victims of domestic or sexual violence, in their efforts to develop and implement appropriate responses to assist those victims.

(b) GRANTEES.—Each applicant for a grant under this section shall submit to the Attorney General an application, which shall—

(1) demonstrate that the applicant—  
(A) has a nationally recognized expertise in the area of domestic violence, dating violence, sexual assault, and stalking, and a record of commitment and quality responses to reduce domestic violence, dating violence, sexual assault, and stalking; and

(B) will provide matching funds from non-Federal sources in an amount equal to not less than 10 percent of the total amount of the grant awarded under this section; and

(2) include a plan to maximize, to the extent practicable, outreach to employers (including private companies, as well as public entities such as universities, and State and local governments) in developing and implementing appropriate responses to assist employees who are victims of domestic or sexual violence.

(c) USE OF GRANT AMOUNT.—A grant under this section may be used for staff salaries, travel expenses, equipment, printing, and other reasonable expenses necessary to assemble, maintain, and disseminate to employers, labor organizations, and advocates described in subsection (a), information on and appropriate responses to domestic violence, dating violence, sexual assault, and stalking, including—

(1) training to promote a better understanding of appropriate assistance to employee victims;

(2) conferences and other educational opportunities;

(3) development of protocols and model workplace policies;

(4) employer- and union-sponsored victim services and outreach counseling; and

(5) assessments of the workplace costs of domestic violence, dating violence, sexual assault, and stalking.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$500,000 for each of fiscal years 2004 through 2008.

#### TITLE VII—SEVERABILITY

##### SEC. 701. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of the provisions of this Act, the amendments made by this Act, and the application of such provisions or amendments to any person or circumstance shall not be affected.

By Mr. ENZI:

S. 1803. A bill to expand the applicability of daylight saving time; to the Committee on Commerce, Science, and Transportation.

Mr. ENZI. Mr. President, this Friday, October 31, families all over America will be celebrating a special holiday that has become a family tradition. On that day, our children will be dressing up as their favorite characters and clowns and heading down the street to scour the neighborhood in search of their favorite candies and sweets. As each group of witches, goblins and ghouls patrols the neighborhood, the cries of "Trick or Treat" will be heard everywhere along with the shouts of joy and excitement from each participant as they bring home a bag full of all sorts of candy to share with the whole family.

Although it is a great holiday, there has always been one great concern about it—the safety of our children. It is a concern that stems from the time change that occurs the weekend before Halloween. Unfortunately, when Congress passed legislation authorizing the use of daylight saving time, we drew the lines one week short of Halloween. Instead of including it in the time change boundaries, Congress drew the finish line for daylight saving time one week short, so that it ended the weekend before, instead of after the night so many of our children will be out walking the streets of their neighborhood in pursuit of their favorite holiday treats.

That is why I am pleased to introduce the Halloween Safety Act of 2003. Its purpose is to extend the end date of daylight saving time from the last Sunday in October to the first Sunday in November. This simple, but important, change will ensure that the protections of daylight saving time extend through Halloween.

The idea of extending daylight saving time was introduced to me by Sharon Rasmussen, a second grade teacher from Sheridan, WY and her students. Twelve years ago Mrs. Rasmussen's class began writing to Wyoming's representatives expressing their wish to have an extra hour of daylight on Halloween to ensure the safety of small children. Each year since then I have received a packet of letters from Mrs. Rasmussen's class encouraging my support for this reasonable proposal.

Legislation has been introduced in the past to extend daylight saving

time. Although many of the bills sought to change both the starting date and the ending date, the legislation I introduced today would simply extend it for one week.

The reason why such a change needs to be made is readily apparent. According to the Insurance Institute for Highway Safety, over four thousand eight hundred people died in 2001, that is an average of 13 deaths per day. Fatal pedestrian-motor vehicle collisions occur most often between 6 and 9 p.m. Unfortunately, these general trends are highly magnified on Halloween given the considerable increase in pedestrians, most of whom are children. A study by the National Center for Injury Prevention and Control concluded that the occurrence of pedestrian deaths for children ages 5 to 14 is four times higher on Halloween than any other night of the year. School and communities encourage children and parents to use safety measures when children venture out on Halloween and the Halloween Safety Act can further help protect our nation's youth.

When students take an interest in improving our Nation's laws, especially when it would serve to protect other children, I believe it is our duty to pay close attention to their needs and respond if possible. If children concerned about their own safety suggest a reasonable approach to making their world a little bit safer, I believe that accommodating their request is not too much to ask. The fact that second and third grade students in Sheridan, WY have been working on this legislation for years shows that protecting the children of our country is a primary concern of theirs, and it should be for all of us as lawmakers. If one life can be saved or one accident avoided by extending Daylight Saving Time, it would be worthwhile.

I encourage all my colleagues to support this act for the important benefits the Halloween Safety Act of 2003 would have for children and their parents.

By Mr. BREAUX (for himself, Mr. LOTT, and Mr. HOLLINGS):

S. 1804. A bill to reauthorize programs relating to sport fishing and recreational boating safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BREAUX. Mr. President, I rise today to introduce the Sport Fishing Restoration and Boating Safety Act of 2003. The legislation, cosponsored by Senator LOTT and Senator HOLLINGS is funded through the Aquatic Resources Trust fund, which I am honored to know is commonly referred to as the Wallop-Breaux Trust Fund (Wallop-Breaux). This bill reauthorizes activities funded by two of the Nation's most effective "user-pay, user-benefit" programs—the Sport Fish Restoration Fund and the Recreational Boating Safety Fund—which constitute the "Wallop-Breaux" program.

In 1984, when I was a member of the House of Representatives, I had the

privilege of sponsoring, along with then Senator Malcolm Wallop, what I consider to be the most significant legislation for anglers and boaters to have passed the Congress. We guided through the House and Senate legislation that greatly increased funds for fishery and boating and related programs in virtually every State of our Nation. In 1985, the first year that the Wallop-Breaux amendments were effective, their impact caused the funding for fishing and boating programs to increase from approximately \$35 million to \$100 million. Funded by a Federal manufacturers' excise taxes on fishing equipment and a percentage of the Federal fuel tax attributed to use in motor boats and small engines, Wallop-Breaux will this year alone provide to the States approximately \$450 million to the greatest of outdoor recreations—fishing and boating. It is sometimes difficult to fathom, but over the past nineteen years, Wallop-Breaux has disbursed upwards of \$5 billion to the States to improve recreational boating and fishing, promote conservation, protect the environment and to conserve wetlands.

As my colleagues know, Wallop-Breaux and other important programs funded through the Highway Trust Fund received a five-month extension, awaiting consideration of full term reauthorization. Over the last two years, I have met with the American League of Anglers and Boaters (ALAB), the constituent group comprised of 34 organizations representing the spectrum of fishing and boating interests. The purpose of these meetings has been to prepare for introduction of this reauthorization legislation. I am pleased to report that ALAB support the legislation I bring before you today.

Foremost on everyone's agenda was the need to secure a stable and predictable funding base for boating safety grants to the states. The challenge was to increase the funding and dependability of delivery of boating safety grants to the States.

I pledged my support to these Wallop-Breaux constituent groups to enact improvements to the overall program. After countless meetings and considerable deliberation, I am pleased to report that the legislation I am introducing today reflects a general consensus on improving Wallop-Breaux to the benefit of all stakeholders. I want to stress that this would not have been possible without the leadership of Senator LOTT, Senator HOLLINGS and other key members of the committees having joint-jurisdiction over Wallop-Breaux programs. Under the legislation, Boating Safety Grants will now have guaranteed and increased funding. This program will now receive 18 percent of the total Wallop-Breaux, increasing present funding from \$64 million to \$95 million in the first year of enactment.

The legislation also dissolves the Boat Safety account. The balance currently in the account plus the interest,

approximately \$87 million, will be distributed over the next five years to accounts in the fund.

State boat safety grants will now have a 3 to 1 match, the same as the Sport Fish Restoration grants, enabling state funds to go farther by reimbursing them 75 cents for every Federal dollar.

And lastly, all programs funded through Wallop-Breaux will be assigned a percentage of the total fund to allow a simpler and fairer process. When the amount of funds increase or decrease so will all of the programs based upon their percentage.

The growing popularity of recreational boating and fishing has created safety, environmental, and access needs that have been successfully addressed by the two Wallop-Breaux programs—Recreational Boating Safety and Sport Fish Restoration. The reauthorization is important for the safety of boaters, the continued enjoyment of fishermen, and improvement of our wetlands and waterways.

This reauthorization will allow continued funding of programs that benefit boating safety, coastal wetland protection and restoration and sportfish restoration, as well as Clean Vessel Act grants that help to keep our waterways clean.

I appreciate the opportunity to discuss the positive impact of Wallop-Breaux programs in years past, as well as presenting significant improvements contained in the legislation that I am introducing today. I ask that my colleagues join Senator LOTT, Senator HOLLINGS and me in cosponsoring this landmark legislation.

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

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

S. 1804

*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 "Sport Fishing and Recreational Boating Safety Act".

#### TITLE I—FEDERAL AID IN SPORT FISH RESTORATION ACT AMENDMENTS

##### SEC. 101. AMENDMENT OF FEDERAL AID IN FISH RESTORATION ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," approved August 9, 1950 (64 Stat. 430; 16 U.S.C. 777 et seq.).

##### SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Section 3 (16 U.S.C. 777b) is amended—

(1) by striking "the succeeding fiscal year." in the third sentence and inserting "succeeding fiscal years."; and

(2) by striking "in carrying on the research program of the Fish and Wildlife Service in respect to fish of material value for sport and recreation." and inserting "to supple-

ment the 55.3 percent of each annual appropriation to be apportioned among the States, as provided for in section 4(b) of this Act."

##### SEC. 103. DIVISION OF ANNUAL APPROPRIATIONS.

Section 4 (16 U.S.C. 777c) is amended—

(1) by striking subsections (a) through (d) and redesignating subsections (e), (f), and (g) as subsections (b), (c), and (d);

(2) by inserting before subsection (b), as redesignated, the following:

"(a) IN GENERAL.—For fiscal years 2004 through 2009, each annual appropriation made in accordance with the provisions of section 3 of this Act shall be distributed as follows:

"(1) COASTAL WETLANDS.—18 percent to the Secretary of the Interior for distribution as provided in the Coastal Wetlands Planning, Protection, and Restoration Act (16 U.S.C. 3951 et seq.).

"(2) BOATING SAFETY.—18 percent to the Secretary of Homeland Security for State recreational boating safety programs under section 13106 of title 46, United States Code.

"(3) CLEAN VESSEL ACT.—1.9 percent to the Secretary of the Interior for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

"(4) BOATING INFRASTRUCTURE.—1.9 percent to the Secretary of the Interior for obligation for qualified projects under section 7404(d) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g-1(d)).

"(5) NATIONAL OUTREACH AND COMMUNICATIONS.—1.9 percent to the Secretary of the Interior for the National Outreach and Communications Program under section 8(d) of this Act. Such amounts shall remain available for 3 fiscal years, after which any portion thereof that is unobligated by the Secretary for that program may be expended by the Secretary under subsection (b) of this section.

"(6) SET-ASIDE FOR EXPENSES FOR ADMINISTRATION OF THIS CHAPTER.

"(A) In general.—2.1 percent to the Secretary of the Interior for expenses for administration incurred in implementation of this Act, in accordance with this section, section 9, and section 14 of this Act.

"(B) APPORTIONMENT OF UNOBLIGATED FUNDS.—If any portion of the amount made available to the Secretary under subparagraph (a) remains unexpended and unobligated at the end of a fiscal year, that portion shall be apportioned among the States, on the same basis and in the same manner as other amounts made available under this Act are apportioned among the States under subsection (b) of this section, within 60 days after the end of that fiscal year. Any amount apportioned among the States under this subparagraph shall be in addition to any amounts otherwise available for apportionment among the States under subsection (b) for the fiscal year."

(3) by striking "of the Interior, after the distribution, transfer, use, and deduction under subsections (a), (b), (c), and (d), respectively, and after deducting amounts used for grants under section 14, shall apportion the remainder" in subsection (b), as redesignated, and inserting "shall apportion 55.3 percent";

(4) by striking "per centum" each place it appears in subsection (b), as redesignated, and inserting "percent";

(5) by striking "subsections (a), (b)(3)(A), (b)(3)(B), and (c)" in paragraph (1) of subsection (d), as redesignated, and inserting "paragraphs (1), (3), (4), and (5) of subsection (a)"; and

(6) by adding at the end the following:

"(e) TRANSFER OF CERTAIN FUNDS.—Amounts available under paragraphs (3) and (4) of subsection (a) that are unobligated by the Secretary after 3 fiscal years shall be

transferred to the Secretary of Homeland Security and shall be expended for State recreational boating safety programs under section 13106(a) of title 46, United States Code."

##### SEC. 104. MAINTENANCE OF PROJECTS.

Section 8 (16 U.S.C. 777g) is amended—

(1) by striking "in carrying out the research program of the Fish and Wildlife Service in respect to fish of material value for sport or, recreation." in subsection (b)(2) and inserting "to supplement the 55.3 percent of each annual appropriation to be apportioned among the States under section 4(b) of this Act."; and

(2) by striking "subsection (c) or (d) of section 4" in subsection (d) (3) and inserting "paragraph (5) or (6) of section 4(a)".

##### SEC. 105. BOATING INFRASTRUCTURE.

Section 7404(d)(1) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g-1(d)(1)) is amended by striking "section 4(b)(3)(B)" and inserting "section 4(a)(4)".

##### SEC. 106. REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR EXPENSES FOR ADMINISTRATION.

Section 9 (16 U.S.C. 777h) is amended—

(1) by striking "section 4(d)(1)" in subsection (a) and inserting "section 4(a)(6)"; and

(2) by striking "section 4(d)(1)" in subsection (b)(1) and inserting "section 4(a)(6)".

##### SEC. 107. PAYMENTS OF FUNDS TO AND COOPERATION WITH PUERTO RICO, THE DISTRICT OF COLUMBIA, GUAM, AMERICAN SAMOA, COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, AND VIRGIN ISLANDS.

Section 12 (16 U.S.C. 777k) is amended by striking "in carrying on the research program of the Fish and Wildlife Service in respect to fish of material value for sport or recreation." and inserting "to supplement the 55.3 percent of each annual appropriation to be apportioned among the States under section 4(b) of this Act."

##### SEC. 108. MULTISTATE CONSERVATION GRANT PROGRAM.

Section 14 (16 U.S.C. 777m) is amended—

(1) by striking so much of subsection (a) as precedes paragraph (2) and inserting the following: "(a) IN GENERAL.

"(1) AMOUNT FOR GRANTS.—For each of fiscal years 2004 through 2009, 0.9 percent of each annual appropriation made in accordance with the provisions of section 3 of this Act shall be distributed to the Secretary of the Interior for making multistate conservation project grants in accordance with this section."

(2) by striking "section 4(e)" each place it appears in subsection (a)(2)(B) and inserting "section 4(b)"; and

(3) by striking "Of the balance of each annual appropriation made under section 3 remaining after the distribution and use under subsections (a), (b), and (c) of section 4 for each fiscal year and after deducting amounts used for grants under subsection (a)—" in subsection (e) and inserting "Of amounts made available under section 4(a)(6) for each fiscal year—"

#### TITLE II—AMENDMENTS TO THE TRUST FUND CODE

##### SEC. 201. TRANSFERS FROM THE TRUST FUND FOR MOTORBOAT FUEL TAXES.

Paragraph (4) of section 9503(c) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)) is amended—

(1) by striking so much of that paragraph as precedes subparagraph (C) and inserting the following:

"(4) TRANSFERS FROM THE TRUST FUND FOR MOTORBOAT FUEL TAXES.

"(A) TRANSFER TO LAND AND WATER CONSERVATION FUND.

"(i) IN GENERAL.—The Secretary shall pay from time to time from the Highway Trust

Fund into the land and water conservation fund provided for in title I of the Land and Water Conservation Fund Act of 1965 amounts (as determined by him) equivalent to the motorboat fuel taxes received on or after October 1, 2003, and before October 1, 2009.

“(i) LIMITATION.—The aggregate amount transferred under this subparagraph during any fiscal year shall not exceed \$1,000,000.

“(B) EXCESS FUNDS TRANSFERRED TO SPORT FISH RESTORATION ACCOUNT.—Any amounts received in the Highway Trust Fund—

“(i) which are attributable to motorboat fuel taxes, and

“(ii) which are not transferred from the Highway Trust Fund under subparagraph (A),

shall be transferred by the Secretary from the Highway Trust Fund into the Sport Fish Restoration Account in the Aquatic Resources Trust Fund.”; and

(2) By striking subparagraph (C) and redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

**SEC. 202. EXPENDITURES FROM THE BOAT SAFETY ACCOUNT.**

Section 9504(c) of the Internal Revenue Code of 1986 (26 U.S.C. 9504(c)) is amended to read as follows:

“(c) EXPENDITURES FROM BOAT SAFETY ACCOUNT.—Amounts in the Boat Safety Account on the date of enactment of the Sport Fishing and Recreational Boating Safety Act, and amounts thereafter credited to the Account under section 9602(b), shall be available, without further appropriation, in the following amounts:

“(1) In fiscal year 2004, \$28,155,000 shall be distributed—

“(A) under section 4 of the Act entitled “An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes,” approved August 9, 1950 (16 U.S.C. 777c) in the following manner:

“(i) \$11,200,000 to be added to funds available under subsection (a)(2) of that section,

“(ii) \$1,245,000 to be added to funds available under subsection (a)(3) of that section,

“(iii) \$1,245,000 to be added to funds available under subsection (a)(4) of that section,

“(iv) \$1,245,000 to be added to funds available under subsection (a)(5) of that section, and

“(v) \$12,800,000 to be added to funds available under subsection (b) of that section, and

“(B) under section 14 of that Act (16 U.S.C. 777m), \$420,000, to be added to funds available under subsection (a)(1) of that section.

“(2) In fiscal year 2005, \$22,419,000 shall be distributed—

“(A) under section 4 of that Act (16 U.S.C. 777c) in the following manner:

“(i) \$8,075,000 to be added to funds available under subsection (a)(2) of that section,

“(ii) \$713,000 to be added to funds available under subsection (a)(3) of that section,

“(iii) \$713,000 to be added to funds available under subsection (a)(4) of that section,

“(iv) \$713,000 to be added to funds available under subsection (a)(5) of that section, and

“(v) \$11,925,000 to be added to funds available under subsection (b) of that Act, and

“(B) under section 14 of that Act (16 U.S.C. 777m), \$280,000 to be added to funds available under subsection (a)(1) of that section.

“(3) In fiscal year 2006, \$17,139,000 shall be distributed—

“(A) under section 4 of that Act (16 U.S.C. 777c) in the following manner:

“(i) \$6,800,000 to be added to funds available under subsection (a)(2) of that section,

“(ii) \$333,000 to be added to funds available under subsection (a)(3) of that section,

“(iii) \$333,000 to be added to funds available under subsection (a)(4) of that section,

“(iv) \$333,000 to be added to funds available under subsection (a)(5) of that section, and

“(v) \$9,200,000 to be added to funds available under subsection (b) of that section, and

“(B) under section 14 of that Act (16 U.S.C. 777m), \$140,000, to be added to funds available under subsection (a)(1) of that section.

“(4) In fiscal year 2007, \$12,287,000 shall be distributed—

“(A) under section 4 of that Act (16 U.S.C. 777c) in the following manner:

“(i) \$5,100,000 to be added to funds available under subsection (a)(2) of that section,

“(ii) \$48,000 to be added to funds available under subsection (a)(3) of that section,

“(iii) \$48,000 to be added to funds available under subsection (a)(4) of that section,

“(iv) \$48,000 to be added to funds available under subsection (a)(5) of that section, and

“(v) \$6,900,000 to be added to funds available under subsection (b) of that section, and

“(B) under section 14 of that Act (16 U.S.C. 777m), \$143,000, to be added to funds available under subsection (a)(1) of that section.

“(5) In fiscal year 2008, all remaining funds in the Account shall be distributed under section 4 of that Act (16 U.S.C. 777c) in the following manner:

“(A) one-third to be added to funds available under subsection (b), and

“(B) two-thirds to be added to funds available under subsection (h).”.

**TITLE III—CLEAN VESSEL ACT AMENDMENTS**

**SEC. 301. GRANT PROGRAM.**

Section 5604(C)(2) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note) is amended

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

**TITLE IV—RECREATIONAL BOATING SAFETY PROGRAM AMENDMENTS**

**SEC. 401. STATE MATCHING FUNDS REQUIREMENT.**

Section 13103(b) of title 46, United States Code, is amended by striking “one-half” and inserting “75 percent”.

**SEC. 402. AVAILABILITY OF ALLOCATIONS.**

Section 13104(a) of title 46, United States Code, is amended—

(1) by striking “2 years” in paragraph (1) and inserting “3 years”; and

(2) by striking “2-year” in paragraph (2) and inserting “3-year”.

**SEC. 403. AUTHORIZATION OF APPROPRIATIONS FOR STATE RECREATIONAL BOATING SAFETY PROGRAMS.**

Section 13106(c) of title 46, United States Code, is amended—

(1) by striking “Secretary of Transportation under paragraphs (2) and (3) of section 4(b)” and inserting “Secretary under subsections (a)(2) and (e) of section 4”; and

(2) by inserting “a minimum of” before “\$2,000,000”.

**SEC. 404. MAINTENANCE OF EFFORT FOR STATE RECREATIONAL BOATING SAFETY PROGRAMS.**

(a) IN GENERAL.—Chapter 131 of title 46, United States Code, is amended by inserting after section 13106 the following:

**“§ 13107. Maintenance of effort for State recreational boating safety programs**

“(a) IN GENERAL.—The amount payable to a State for a fiscal year from an allocation under section 13103 of this chapter shall be reduced if the usual amounts expended by the State for the State’s recreational boating safety program, as determined under section 13105 of this chapter, for the previous fiscal year is less than the average of the total of such expenditures for the 3 fiscal years immediately preceding that previous fiscal year. The reduction shall be proportionate, as a percentage, to the amount by

which the level of State expenditures for such previous fiscal year is less than the average of the total of such expenditures for the 3 fiscal years immediately preceding that previous fiscal year.

“(b) REDUCTION OF THRESHOLD.—If the total amount available for allocation and distribution under this chapter in a fiscal year for all participating State recreational boating safety programs is less than such amount for the preceding fiscal year, the level of State expenditures required under subsection (a) of this section for the preceding fiscal year shall be decreased proportionately.

“(c) WAIVER.—

“(1) IN GENERAL.—Upon the written request of a State, the Secretary may waive the provisions of subsection (a) of this section for 1 fiscal year if the Secretary determines that a reduction in expenditures for the State’s recreational boating safety program is attributable to a non-selective reduction in expenditures for the programs of all Executive branch agencies of the State government, or for other reasons if the State demonstrates to the Secretary’s satisfaction that such waiver is warranted.

“(2) 30-DAY DECISION.—The Secretary shall approve or deny a request for a waiver not later than 30 days after the date the request is received.”.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 131 of title 46, United States Code, is amended by inserting after the item relating to section 13106 the following:

“13107. Maintenance of effort for State recreational boating safety programs.”.

**STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS**

**SENATE RESOLUTION 255—SUPPORTING THE NATIONAL RAILROAD HALL OF FAME, INC., OF GALESBURG, ILLINOIS, IN ITS ENDEAVOR TO ERECT A MONUMENT KNOWN AS THE NATIONAL RAILROAD HALL OF FAME**

Mr. DURBIN (for himself and Mr. FITZGERALD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 255

Whereas Galesburg, Illinois, has been linked to the history of railroading since 1849 when the Peoria and Oquawka Railroad was organized;

Whereas the citizens of Galesburg supported a railroad to Chicago which was chartered as the Central Military Tract Railroad in 1851;

Whereas upon completion of the Central Military Tract Railroad, the Northern Cross Railroad joined the Central Military Tract Railroad at Galesburg;

Whereas in 1886 Galesburg secured the Atchison, Topeka, and Santa Fe Railway and became one of the few places in the world served by 2 major railroads;

Whereas the National Railroad Hall of Fame, Inc., has been established in Galesburg and chartered under the laws of the State of Illinois as a not-for-profit corporation;

Whereas the objectives of the National Railroad Hall of Fame, Inc., include (1) perpetuating the memory of leaders and innovators in the railroad industry, (2) fostering, promoting, and encouraging a better understanding of the origins and growth of