S. 151

At the request of Mr. HATCH, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 151, a bill to amend title 18, United States Code, with respect to the sexual exploitation of children.

S. 160

At the request of Mr. BURNS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 160, a bill to amend the Internal Revenue Code of 1986 to allow the expensing of broadband Internet access expenditures, and for other purposes.

S. 196

At the request of Mr. ALLEN, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Colorado (Mr. CAMPBELL) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 196, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 227

At the request of Mrs. FEINSTEIN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 227, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to certified or licensed teachers, to provide for grants that promote teacher certification and licensing, and for other purposes.

S. 238

At the request of Mr. REED, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 238, a bill to reauthorize the Museum and Library Services Act, and for other purposes.

S. 240

At the request of Mr. FITZGERALD, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 240, a bill to amend the Internal Revenue Code of 1986 to allow allocation of small ethanol producer credit to patrons of cooperative, and for other purposes.

S. 253

At the request of Mr. CAMPBELL, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 265

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 265, a bill to amend the Internal Revenue Code of 1986 to include sports utility vehicles in the limitation on the depreciation of certain luxury automobiles.

S.J. RES. 1

At the request of Mr. KYL, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S.J. Res. 1, A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

S. RES. 28

At the request of Mr. BYRD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. Res. 28, A resolution expressing the sense of the Senate that the United Nations weapons inspectors should be given sufficient time for a thorough assessment of the level of compliance by the Government of Iraq with United Nations Security Council Resolution 1441 (2002) and that the United States should seek a United Nations Security Council resolution specifically authorizing the use of force before initiating any offensive military operations against Iraq.

S. RES. 29

At the request of Mr. CAMPBELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. Res. 29, A resolution demanding the return of the USS Pueblo to the United States Navy.

S. RES. 40

At the request of Mr. BIDEN, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. CORZINE), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Vermont (Mr. LEAHY), the Senator from Michigan (Ms. STABENOW) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Res. 40, A resolution reaffirming congressional commitment to title IX of the Education Amendments of 1972 and its critical role in guaranteeing equal educational opportunities for women and girls, particularly with respect to school athletics.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THOMAS (for himself and Mr. ENZI):

S. 273. A bill to provide for the expeditious completion of the acquistion of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. THOMAS. Mr. President, I am pleased to introduce a bill today to authorize the exchange of State lands inside Grand Teton National Park.

Grand Teton National Park was established by Congress on February 29, 1929, to protect the natural resources of the Teton range and recognize the Jackson area's unique beauty. On March 15, 1943, President Franklin Delano Roosevelt established the Jackson Hole National Monument adjacent to the park. Congress expanded the Park on September 14, 1950, by including a portion of the lands from the Jackson Hold National Monument. The park currently encompasses approximately 310,000 acres of wilderness and has some of the most amazing mountain scenery anywhere in our country. This park has become an extremely important element of the National Park system, drawing almost 2.7 million visitors in 1999.

When Wyoming became a State in 1890, sections of land were set aside for school revenue purposes. All income from these lands—rents, grazing fees, sales or other sources—is placed in a special trust fund for the benefit of students in the State. The establishment of these sections predates the creation of most national parks or monuments within our State boundaries, creating several State inholdings on federal land. The legislation I am introducing today would allow the Federal Government to remove the State school trust lands from Grand Teton National Park and allow the State to capture fair value for this property to benefit Wyoming school children.

This bill, entitled the ''Grand Teton National Park Land Exchange Act,'' identifies approximately 1406 acres of State lands and mineral interests within the boundaries of Grand Teton National Park for exchange for Federal assets. These federal assets could include mineral royalties, appropriated dollars, Federal lands or combination of any of these elements.

The bill also identifies an appraisal process for the State and Federal Government to determine a fair value of the State property located within the park boundaries. After the bill is signed into law, the land would be valued by one of the following methods: 1. the Interior Secretary and Governor would mutually agree on a qualified appraiser to conduct the appraisal of the State lands in the park; 2. If there is no agreement about the appraiser, the Interior Secretary and Governor would each designate a qualified appraiser. The two designated appraisers would select a third appraiser to perform the appraisal with the advice and assistance of the designated appraisers.

If the Interior Secretary and Governor cannot agree on the evaluations of the State lands 180 days after the date of enactment, the Governor may petition the U.S. Court of Federal Claims to determine the final value. One-hundred-eighty days after the State land value is determined, the Interior Secretary, in consultation with the Governor, shall exchange Federal assets of equal value for the state lands.

The management of our public lands and natural resources is often complicated and requires the coordination of many individuals to accomplish desired objectives. When western folks discuss federal land issues, we do not often have an opportunity to identify proposals that capture this type of consensus and enjoy the support from a wide array of interests; however, this land exchange offers just such a unique prospect.

This legislation is needed to improve the management of Grand Teton National Park, by protecting the future of these unique lands against development pressures and allow the State of Wyoming to access their assets to address public school funding needs.

This bill enjoys the support of many different groups including the National Park Service, the Wyoming Governor, State officials, as well as folks from the local community. During the 107th Congress the Senate passed this exact same legislation three separate times unanimously. Unfortunately, due to complications unrelated to the bill was not able to be sent to the President for signature and enactment. It is my hope that the Senate, and the Congress, will seize this opportunity to improve upon efforts to provide services to the American public.

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

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

S. 273

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 ''Grand Teton National Park Land Exchange Act''.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term ''Federal lands'' means public lands as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(2) The term ''Governor'' means the Governor of the State of Wyoming.

(3) The term ''Secretary'' means the Secretary of the Interior.

(4) The term ''State lands'' means lands and interest in lands owned by the State of Wyoming within the boundaries of Grand Teton National Park as identified on a map titled ''Private, State & County Inholdings Grand Teton National Park'', dated March 2001, and numbered GTNP/0001.

SEC. 3. ACQUISITION OF STATE LANDS.

(a) The Secretary is authorized to acquire approximately 1,406 acres of State lands within the exterior boundaries of Grand Teton National Park, as generally depicted on the map referenced in section 2(4), by any one or a combination of the following—

(1) donation;

(2) purchase with donated or appropriated funds; or

(3) exchange of Federal lands in the State of Wyoming that are identified for disposal under approved land use plans in effect on the date of enactment of this Act under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) and are of equal value to the State lands acquired in the exchange.

(b) In the event that the Secretary or the Governor determines that the Federal lands eligible for exchange under subsection (a)(3) are not sufficient or acceptable for the acquisition of all the State lands identified in section 2(4), the Secretary shall identify other Federal lands or interests therein in the State of Wyoming for possible exchange and shall identify such lands or interests together with their estimated value in a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives. Such lands or interests shall not be available for exchange unless authorized by an Act of Congress enacted after the date of submission of the report.

SEC. 4. VALUATION OF STATE AND FEDERAL INTERESTS.

(a) AGREEMENT ON APPRAISER.—If the Secretary and the Governor are unable to agree on the value of any Federal lands eligible for exchange under section 3(a)(3) or State lands, then the Secretary and the Governor may select a qualified appraiser to conduct an appraisal of those lands. The purchase or exchange under section 3(a) shall be conducted based on the values determined by the appraisal.

(b) NO AGREEMENT ON APPRAISER.—If the Secretary and the Governor are unable to agree on the selection of a qualified appraiser under subsection (a), then the Secretary and the Governor shall each designate a qualified appraiser. The two designated appraisers shall select a qualified third appraiser to conduct the appraisal with the advice and assistance of the two designated appraisers. The purchase or exchange under section 3(a) shall be conducted based on the values determined by the appraisal.

(c) APPRAISAL COSTS.—The Secretary and the State of Wyoming shall each pay one-half of the appraisal costs under subsections (a) and (b).

SEC. 5. ADMINISTRATION OF STATE LANDS ACQUIRED BY THE UNITED STATES.

The State lands conveyed to the United States under section 3(a) shall become part of Grand Teton National Park. The Secretary shall manage such lands under the Act of August 25, 1916 (commonly known as the ''National Park Service Organic Act'') and other laws, rules, and regulations applicable to Grand Teton National Park.

SEC. 6. AUTHORIZATION FOR APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for the purposes of this Act.

By Mr. GRASSLEY (for himself, Mr. KOHL, Mr. HATCH, Mr. CARPER, Mr. SPECTER, Mr. MILLER, Mr. CHAFEE, and Mr. LUGAR):

S. 274. A bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I rise today to introduce The Class Action Fairness Act of 2003, a bill that will help curb class action lawsuit abuse. For the last several Congresses, Senators KOHL, HATCH and others have joined me in introducing this important measure. Over the years, we have held several hearings on the numerous abuses of the class action system and the urgent need for reform. The Senate Judiciary Committee marked up and reported a similar class action bill in the 106th Congress, and in the 107th Congress the Judiciary Committee held a hearing on class action abuse. This bi-partisan bill has garnered increasing support over the years, and I look forward to even greater support in this Congress.

Abuses of the class action system abound. Specifically, class action cases have proven to be an easy way for attorneys to make millions of dollars while the plaintiff class members receive little or nothing of value. We all are familiar with the many class action lawsuits where plaintiffs were awarded nothing or coupons of limited value, while the lawyers got all the money in attorney's fees. Everyone of us has found ourselves to have been a potential member of a plaintiff class in a class action lawsuit, and for those of us who are not lawyers, it has been impossible to know what our rights are or whether we are being served the attorneys we never hired in the first place.

In addition, most class action lawsuits are being filed in state courts, even though these are usually the cases that involve the most money, have nationwide implications, and implicate citizens from all 50 States. Lawyers often game the system so they can bring lawsuits in State courts, which are more likely to certify class actions without adequately considering whether a class action would be fair to all class members. In some instances, class lawyers manipulate pleadings to avoid removal of the lawsuit to the federal courts. To do this, lawyers may claim that their clients suffered under $75,000 in damages so that the Federal threshold isn't triggered, even though their clients may have suffered an even greater injury. Class lawyers also sometimes defeat the complete diversity requirement by ensuring that at least one named class member is from the same state as a defendant, even if every other class member is from a different state.

The Class Action Fairness Act of 2003 will go a long way toward ending some of these abuses. This modest bill carefully fixes the more egregious problems with the class action system, while preserving class action lawsuits as an important tool which brings representation to the unrepresented.

First, our bill requires that notice of proposed settlements in all class actions, as well as all class notices, must be in clear, easily understood English and must include all material settlement terms, including amount and source of attorneys' fees. The notices most plaintiffs receive are written in small print and confusing legal jargon. In fact, a lawyer testified before my Subcommittee that even he could not understand the notice he received as a plaintiff in a class action lawsuit. Since plaintiffs are giving up their right to sue, it is imperative that they understand what they are doing and the ramifications of their actions.

Second, our bill requires that State attorneys general be notified of any proposed class settlement that would affect residents of their States. The notice would give a State attorney general the opportunity to object if the settlement terms are unfair to consumers.

Third, our bill disallows bounty payments to lead plaintiffs so lawyers looking for victims can't promise them unwarranted payoffs to be their excuse

for filing suit. It also prevents settlements that discriminate based on geography, so that one plaintiff doesn't receive more money just because he lives near the courthouse.

Fourth, our bill requires that courts scrutinize settlements where the plaintiffs get only coupons or non-cash awards, and the lawyers get money. The courts are required to make a written finding that the settlement is fair and reasonable for class members. A court will still be able to find that a non-cash settlement, like in the case of injunctive relief banning some type of bad conduct, is fair and reasonable. But courts would be able to throw out sham settlements where the lawyers get big paychecks but the plaintiffs get nothing but coupons.

Finally, our bill allows more class action lawsuits to be removed from state court to federal court, either by a defendant or an unnamed class member. A class action would qualify for federal jurisdiction if the total damages exceed $2,000,000 and parties include citizens from multiple States. Currently, class lawyers can avoid removal if individual claims are for $75,000 or less, even if hundreds of millions of dollars in total are at stake, or if just one class member is from the same State as a defendant. But if a case really belongs in state court because it's a State-law question or the substantial majority of class members and defendants are in-State, the case will stay in state court.

We need class action reform badly. Both plaintiffs and defendants are calling for change in this area. The Class Action Fairness Act of 2003 is a good, modest bill that will help curb the many problems that have plagued the class action system.

This bill will remove the conflict of interest that lawyers face in class action lawsuits, and will ensure the fair settlement of these cases. This bill will preserve the process, but put a stop to the more egregious abuses. I urge all my colleagues to join Senators KOHL, HATCH, CARPER, SPECTER, CHAFEE, LUGAR, MILLER and I in supporting this important legislation.

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. 274

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

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

(a) SHORT TITLE.—This Act may be cited as the ''Class Action Fairness Act of 2003''.

(b) REFERENCE.—Whenever in this Act reference is made to 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 title 28, United States Code.

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

Sec. 1. Short title; reference; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Consumer class action bill of rights and improved procedures for interstate class actions.
Sec. 4. Federal district court jurisdiction for interstate class actions.
Sec. 5. Removal of interstate class actions to Federal district court.
Sec. 6. Report on class action settlements.
Sec. 7. Effective date.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Class action lawsuits are an important and valuable part of the legal system when they permit the fair and efficient resolution of legitimate claims of numerous parties by allowing the claims to be aggregated into a single action against a defendant that has allegedly caused harm.

(2) Over the past decade, there have been abuses of the class action device that have—

(A) harmed class members with legitimate claims and defendants that have acted responsibly;

(B) adversely affected interstate commerce; and

(C) undermined public respect for our judicial system.

(3) Class members often receive little or no benefit from class actions, and are sometimes harmed, such as where—

(A) counsel are awarded large fees, while leaving class members with coupons or other awards of little or no value;

(B) unjustified awards are made to certain plaintiffs at the expense of other class members; and

(C) confusing notices are published that prevent class members from being able to fully understand and effectively exercise their rights.

(4) Abuses in class actions undermine the national judicial system, the free flow of interstate commerce, and the concept of diversity jurisdiction as intended by the framers of the United States Constitution, in that State and local courts are—

(A) keeping cases of national importance out of Federal court;

(B) sometimes acting in ways that demonstrate bias against out-of-State defendants; and

(C) making judgments that impose their view of the law on other States and bind the rights of the residents of those States.

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

(1) assure fair and prompt recoveries for class members with legitimate claims;

(2) restore the intent of the framers of the United States Constitution by providing for Federal court consideration of interstate cases of national importance under diversity jurisdiction; and

(3) benefit society by encouraging innovation and lowering consumer prices.

SEC. 3. CONSUMER CLASS ACTION BILL OF RIGHTS AND IMPROVED PROCEDURES FOR INTERSTATE CLASS ACTIONS.

(a) IN GENERAL.—Part V is amended by inserting after chapter 113 the following:

''CHAPTER 114—CLASS ACTIONS

''Sec.
''1711. Definitions.
''1712. Judicial scrutiny of coupon and other noncash settlements.
''1713. Protection against loss by class members.
''1714. Protection against discrimination based on geographic location.
''1715. Prohibition on the payment of bounties.
''1716. Clearer and simpler settlement information.
''1717. Notifications to appropriate Federal and State officials.

''§ 1711. Definitions

''In this chapter:

''(1) CLASS.—The term 'class' means all of the class members in a class action.

''(2) CLASS ACTION.—The term 'class action' means any civil action filed in a district court of the United States under rule 23 of the Federal Rules of Civil Procedure or any civil action that is removed to a district court of the United States that was originally filed under a State statute or rule of judicial procedure authorizing an action to be brought by 1 or more representatives as a class action.

''(3) CLASS COUNSEL.—The term 'class counsel' means the persons who serve as the attorneys for the class members in a proposed or certified class action.

''(4) CLASS MEMBERS.—The term 'class members' means the persons (named or unnamed) who fall within the definition of the proposed or certified class in a class action.

''(5) PLAINTIFF CLASS ACTION.—The term 'plaintiff class action' means a class action in which class members are plaintiffs.

''(6) PROPOSED SETTLEMENT.—The term 'proposed settlement' means an agreement regarding a class action that is subject to court approval and that, if approved, would be binding on some or all class members.

''§ 1712. Judicial scrutiny of coupon and other noncash settlements

''The court may approve a proposed settlement under which the class members would receive noncash benefits or would otherwise be required to expend funds in order to obtain part or all of the proposed benefits only after a hearing to determine whether, and making a written finding that, the settlement is fair, reasonable, and adequate for class members.

''§ 1713. Protection against loss by class members

''The court may approve a proposed settlement under which any class member is obligated to pay sums to class counsel that would result in a net loss to the class member only if the court makes a written finding that nonmonetary benefits to the class member substantially outweigh the monetary loss.

''§ 1714. Protection against discrimination based on geographic location

''The court may not approve a proposed settlement that provides for the payment of greater sums to some class members than to others solely on the basis that the class members to whom the greater sums are to be paid are located in closer geographic proximity to the court.

''§ 1715. Prohibition on the payment of bounties

''(a) IN GENERAL.—The court may not approve a proposed settlement that provides for the payment of a greater share of the award to a class representative serving on behalf of a class, on the basis of the formula for distribution to all other class members, than that awarded to the other class members.

''(b) RULE OF CONSTRUCTION.—The limitation in subsection (a) shall not be construed to prohibit a payment approved by the court for reasonable time or costs that a person was required to expend in fulfilling the obligations of that person as a class representative.

''§ 1716. Clearer and simpler settlement information

''(a) PLAIN ENGLISH REQUIREMENTS.—Any court with jurisdiction over a plaintiff class action shall require that any written notice concerning a proposed settlement of the class action provided to the class through

the mail or publication in printed media contain—

''(1) at the beginning of such notice, a statement in 18-point or greater bold type, stating 'LEGAL NOTICE: YOU ARE A PLAINTIFF IN A CLASS ACTION LAWSUIT AND YOUR LEGAL RIGHTS ARE AFFECTED BY THE SETTLEMENT DESCRIBED IN THIS NOTICE.';

''(2) a short summary written in plain, easily understood language, describing—

''(A) the subject matter of the class action;

''(B) the members of the class;

''(C) the legal consequences of being a member of the class action;

''(D) if the notice is informing class members of a proposed settlement agreement—

''(i) the benefits that will accrue to the class due to the settlement;

''(ii) the rights that class members will lose or waive through the settlement;

''(iii) obligations that will be imposed on the defendants by the settlement;

''(iv) the dollar amount of any attorney's fee class counsel will be seeking, or if not possible, a good faith estimate of the dollar amount of any attorney's fee class counsel will be seeking; and

''(v) an explanation of how any attorney's fee will be calculated and funded; and

''(E) any other material matter.

''(b) TABULAR FORMAT.—Any court with jurisdiction over a plaintiff class action shall require that the information described in subsection (a)—

''(1) be placed in a conspicuous and prominent location on the notice;

''(2) contain clear and concise headings for each item of information; and

''(3) provide a clear and concise form for stating each item of information required to be disclosed under each heading.

''(c) TELEVISION OR RADIO NOTICE.—Any notice provided through television or radio (including transmissions by cable or satellite) to inform the class members in a class action of the right of each member to be excluded from a class action or a proposed settlement, if such right exists, shall, in plain, easily understood language—

''(1) describe the persons who may potentially become class members in the class action; and

''(2) explain that the failure of a class member to exercise his or her right to be excluded from a class action will result in the person's inclusion in the class action.

"§ 1717. Notifications to appropriate Federal and State officials

''(a) DEFINITIONS.—

''(1) APPROPRIATE FEDERAL OFFICIAL.—In this section, the term 'appropriate Federal official' means—

''(A) the Attorney General of the United States; or

''(B) in any case in which the defendant is a Federal depository institution, a State depository institution, a depository institution holding company, a foreign bank, or a non-depository institution subsidiary of the foregoing (as such terms are defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), the person who has the primary Federal regulatory or supervisory responsibility with respect to the defendant, if some or all of the matters alleged in the class action are subject to regulation or supervision by that person.

''(2) APPROPRIATE STATE OFFICIAL.—In this section, the term 'appropriate State official' means the person in the State who has the primary regulatory or supervisory responsibility with respect to the defendant, or who licenses or otherwise authorizes the defendant to conduct business in the State, if some or all of the matters alleged in the class action are subject to regulation by that person. If there is no primary regulator, supervisor, or licensing authority, or the matters alleged in the class action are not subject to regulation or supervision by that person, then the appropriate State official shall be the State attorney general.

''(b) IN GENERAL.—Not later than 10 days after a proposed settlement of a class action is filed in court, each defendant that is participating in the proposed settlement shall serve upon the appropriate State official of each State in which a class member resides and the appropriate Federal official, a notice of the proposed settlement consisting of—

''(1) a copy of the complaint and any materials filed with the complaint and any amended complaints (except such materials shall not be required to be served if such materials are made electronically available through the Internet and such service includes notice of how to electronically access such material);

''(2) notice of any scheduled judicial hearing in the class action;

''(3) any proposed or final notification to class members of—

''(A)(i) the members' rights to request exclusion from the class action; or

''(ii) if no right to request exclusion exists, a statement that no such right exists; and

''(B) a proposed settlement of a class action;

''(4) any proposed or final class action settlement;

''(5) any settlement or other agreement contemporaneously made between class counsel and counsel for the defendants;

''(6) any final judgment or notice of dismissal;

''(7)(A) if feasible, the names of class members who reside in each State and the estimated proportionate share of the claims of such members to the entire settlement to that State's appropriate State official; or

''(B) if the provision of information under subparagraph (A) is not feasible, a reasonable estimate of the number of class members residing in each State and the estimated proportionate share of the claims of such members to the entire settlement; and

''(8) any written judicial opinion relating to the materials described under subparagraphs (3) through (6).

''(c) DEPOSITORY INSTITUTIONS NOTIFICATION.—

''(1) FEDERAL AND OTHER DEPOSITORY INSTITUTIONS.—In any case in which the defendant is a Federal depository institution, a depository institution holding company, a foreign bank, or a non-depository institution subsidiary of the foregoing, the notice requirements of this section are satisfied by serving the notice required under subsection (b) upon the person who has the primary Federal regulatory or supervisory responsibility with respect to the defendant, if some or all of the matters alleged in the class action are subject to regulation or supervision by that person.

''(2) STATE DEPOSITORY INSTITUTIONS.—In any case in which the defendant is a State depository institution (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), the notice requirements of this section are satisfied by serving the notice required under subsection (b) upon the State bank supervisor (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) of the State in which the defendant is incorporated or chartered, if some or all of the matters alleged in the class action are subject to regulation or supervision by that person, and upon the appropriate Federal official.

''(d) FINAL APPROVAL.—An order giving final approval of a proposed settlement may not be issued earlier than 90 days after the later of the dates on which the appropriate Federal official and the appropriate State official are served with the notice required under subsection (b).

''(e) NONCOMPLIANCE IF NOTICE NOT PROVIDED.—

''(1) IN GENERAL.—A class member may refuse to comply with and may choose not to be bound by a settlement agreement or consent decree in a class action if the class member demonstrates that the notice required under subsection (b) has not been provided.

''(2) LIMITATION.—A class member may not refuse to comply with or to be bound by a settlement agreement or consent decree under paragraph (1) if the notice required under subsection (b) was directed to the appropriate Federal official and to either the State attorney general or the person that has primary regulatory, supervisory, or licensing authority over the defendant.

''(3) APPLICATION OF RIGHTS.—The rights created by this subsection shall apply only to class members or any person acting on a class member's behalf, and shall not be construed to limit any other rights affecting a class member's participation in the settlement.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to expand the authority of, or impose any obligations, duties, or responsibilities upon, Federal or State officials.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part V is amended by inserting after the item relating to chapter 113 the following:

"114. Class Actions .... 1711".

SEC. 4. FEDERAL DISTRICT COURT JURISDICTION FOR INTERSTATE CLASS ACTIONS.

(a) APPLICATION OF FEDERAL DIVERSITY JURISDICTION.—Section 1332 is amended—

(1) by redesignating subsection (d) as subsection (e); and

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

''(d)(1) In this subsection—

''(A) the term 'class' means all of the class members in a class action;

''(B) the term 'class action' means any civil action filed under rule 23 of the Federal Rules of Civil Procedure or similar State statute or rule of judicial procedure authorizing an action to be brought by 1 or more representative persons as a class action;

''(C) the term 'class certification order' means an order issued by a court approving the treatment of some or all aspects of a civil action as a class action; and

''(D) the term 'class members' means the persons (named or unnamed) who fall within the definition of the proposed or certified class in a class action.

''(2) The district courts shall have original jurisdiction of any civil action in which the matter in controversy exceeds the sum or value of $2,000,000, exclusive of interest and costs, and is a class action in which—

''(A) any member of a class of plaintiffs is a citizen of a State different from any defendant;

''(B) any member of a class of plaintiffs is a foreign state or a citizen or subject of a foreign state and any defendant is a citizen of a State; or

''(C) any member of a class of plaintiffs is a citizen of a State and any defendant is a foreign state or a citizen or subject of a foreign state.

''(3) Paragraph (2) shall not apply to any civil action in which—

''(A)(i) the substantial majority of the members of the proposed plaintiff class and the primary defendants are citizens of the State in which the action was originally filed; and

''(ii) the claims asserted therein will be governed primarily by the laws of the State in which the action was originally filed;

''(B) the primary defendants are States, State officials, or other governmental entities against whom the district court may be foreclosed from ordering relief; or

''(C) the number of members of all proposed plaintiff classes in the aggregate is less than 100.

''(4) In any class action, the claims of the individual class members shall be aggregated to determine whether the matter in controversy exceeds the sum or value of $2,000,000, exclusive of interest and costs.

''(5) This subsection shall apply to any class action before or after the entry of a class certification order by the court with respect to that action.

''(6)(A) A district court shall dismiss any civil action that is subject to the jurisdiction of the court solely under this subsection if the court determines the action may not proceed as a class action based on a failure to satisfy the prerequisites of rule 23 of the Federal Rules of Civil Procedure.

''(B) Nothing in subparagraph (A) shall prohibit plaintiffs from filing an amended class action in Federal court or filing an action in State court, except that any such action filed in State court may be removed to the appropriate district court if it is an action of which the district courts of the United States have original jurisdiction.

''(C) In any action that is dismissed under this paragraph and is filed by any of the original named plaintiffs therein in the same State court venue in which the dismissed action was originally filed, the limitations periods on all reasserted claims shall be deemed tolled for the period during which the dismissed class action was pending. The limitations periods on any claims that were asserted in a class action dismissed under this paragraph that are subsequently asserted in an individual action shall be deemed tolled for the period during which the dismissed action was pending.

''(7) Paragraph (2) shall not apply to any class action that solely involves a claim—

''(A) concerning a covered security as defined under 16(f)(3) of the Securities Act of 1933 and section 28(f)(5)(E) of the Securities Exchange Act of 1934;

''(B) that relates to the internal affairs or governance of a corporation or other form of business enterprise and that arises under or by virtue of the laws of the State in which such corporation or business enterprise is incorporated or organized; or

''(C) that relates to the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 and the regulations issued thereunder).

''(8) For purposes of this subsection and section 1453 of this title, an unincorporated association shall be deemed to be a citizen of the State where it has its principal place of business and the State under whose laws it is organized.

''(9)(A) For purposes of this section and section 1453 of this title, a civil action that is not otherwise a class action as defined in paragraph (1)(B) shall nevertheless be deemed a class action if—

''(i) the named plaintiff purports to act for the interests of its members (who are not named parties to the action) or for the interests of the general public, seeks a remedy of damages, restitution, disgorgement, or any other form of monetary relief, and is not a State attorney general; or

''(ii) monetary relief claims in the action are proposed to be tried jointly in any respect with the claims of 100 or more other persons on the ground that the claims involve common questions of law or fact.

''(B)(i) In any civil action described under subparagraph (A)(ii), the persons who allegedly were injured shall be treated as members of a proposed plaintiff class and the monetary relief that is sought shall be treated as the claims of individual class members.

''(ii) Paragraphs (3) and (6) of this subsection and subsections (b)(2) and (d) of section 1453 shall not apply to any civil action described under subparagraph (A)(i).

''(iii) Paragraph (6) of this subsection, and subsections (b)(2) and (d) of section 1453 shall not apply to any civil action described under subparagraph (A)(ii).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1335 (a)(1) is amended by inserting ''(a) or (d)'' after ''1332''.

(2) Section 1603 (b)(3) is amended by striking ''(d)'' and inserting ''(e)''.

SEC. 5. REMOVAL OF INTERSTATE CLASS ACTIONS TO FEDERAL DISTRICT COURT.

(a) IN GENERAL.—Chapter 89 is amended by adding after section 1452 the following:

''§ 1453. Removal of class actions

''(a) DEFINITIONS.—In this section, the terms 'class', 'class action', 'class certification order', and 'class member' shall have the meanings given such terms under section 1332(d)(1).

''(b) IN GENERAL.—A class action may be removed to a district court of the United States in accordance with this chapter, without regard to whether any defendant is a citizen of the State in which the action is brought, except that such action may be removed—

''(1) by any defendant without the consent of all defendants; or

''(2) by any plaintiff class member who is not a named or representative class member without the consent of all members of such class.

''(c) WHEN REMOVABLE.—This section shall apply to any class action before or after the entry of a class certification order in the action.

''(d) PROCEDURE FOR REMOVAL.—Section 1446 relating to a defendant removing a case shall apply to a plaintiff removing a case under this section, except that in the application of subsection (b) of such section the requirement relating to the 30-day filing period shall be met if a plaintiff class member files notice of removal within 30 days after receipt by such class member, through service or otherwise, of the initial written notice of the class action.

''(e) REVIEW OF ORDERS REMANDING CLASS ACTIONS TO STATE COURTS.—Section 1447 shall apply to any removal of a case under this section, except that notwithstanding section 1447(d), an order remanding a class action to the State court from which it was removed shall be reviewable by appeal or otherwise.

''(f) EXCEPTION.—This section shall not apply to any class action that solely involves—

''(1) a claim concerning a covered security as defined under section 16(f)(3) of the Securities Act of 1933 and section 28(f)(5)(E) of the Securities Exchange Act of 1934;

''(2) a claim that relates to the internal affairs or governance of a corporation or other form of business enterprise and arises under or by virtue of the laws of the State in which such corporation or business enterprise is incorporated or organized; or

''(3) a claim that relates to the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 and the regulations issued thereunder).''.

(b) REMOVAL LIMITATION.—Section 1446(b) is amended in the second sentence by inserting ''(a)'' after ''section 1332''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 89 is amended by adding after the item relating to section 1452 the following:

''1453. Removal of class actions.''.

SEC. 6. REPORT ON CLASS ACTION SETTLEMENTS.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Judicial Conference of the United States, with the assistance of the Director of the Federal Judicial Center and the Director of the Administrative Office of the United States Courts, shall prepare and transmit to the Committees on the Judiciary of the Senate and the House of Representatives a report on class action settlements.

(b) CONTENT.—The report under subsection (a) shall contain—

(1) recommendations on the best practices that courts can use to ensure that proposed class action settlements are fair to the class members that the settlements are supposed to benefit;

(2) recommendations on the best practices that courts can use to ensure that—

(A) the fees and expenses awarded to counsel in connection with a class action settlement appropriately reflect the extent to which counsel succeeded in obtaining full redress for the injuries alleged and the time, expense, and risk that counsel devoted to the litigation; and

(B) the class members on whose behalf the settlement is proposed are the primary beneficiaries of the settlement; and

(3) the actions that the Judicial Conference of the United States has taken and intends to take toward having the Federal judiciary implement any or all of the recommendations contained in the report.

(c) AUTHORITY OF FEDERAL COURTS.—Nothing in this section shall be construed to alter the authority of the Federal courts to supervise attorneys' fees.

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall apply to any civil action commenced on or after the date of enactment of this Act.

Mr. HATCH. Mr. President, today I rise to introduce, along with my colleagues Senators GRASSLEY and KOHL, S. 274, the ''Class Action Fairness Act of 2003.''

Over the past decade, it has become clear that abuses of the class action system have reached epidemic levels. In recent years, it has become equally clear that the ultimate victims of this epidemic are poorly-represented class members and individual consumers throughout the Nation. The Class Action Fairness Act of 2003 represents a modest, measured effort to remedy the plague of abuses, inconsistencies, and inefficiencies that infest our current system of class action litigation.

It is essential that we address the abuses that are running rampant in our current class action litigation system. Frequently, plaintiff class members are not adequately informed of their rights or of the terms and practical implications of a proposed settlement. Too often judges approve settlements that primarily benefit the class counsel, rather than the class members. There are numerous examples of settlements where class members receive little or nothing, while attorneys receive millions of dollars in fees. Multiple class

action suits asserting the same claims on behalf of the same plaintiffs are routinely filed in different State courts, causing judicial inefficiencies and encouraging collusive settlement behavior. And State courts are more frequently certifying national classes leading to rulings that infringe upon or conflict with the established laws and policies of other states.

Despite the mountains of evidence demonstrating the drastically increasing harms caused by class action abuses, I am sure that some will attempt to deny the existence of any problem at all. Others will try to confuse the issue with spurious claims that proposed reforms would somehow disadvantage victims with legitimate claims or further worsen class action abuses. Others may even contend that past legislative reforms have contributed to recent financial debacles and that the proposed reforms will encourage more. Such claims are nothing more than red herrings intended to divert the debate from the real issues.

In this regard let me emphasize a few points regarding S. 274. First, this bill does not seek to eliminate State court class action litigation. Class action suits brought in State courts have proven in many contexts to be an effective and desirable tool for protecting civil and consumer rights. Nor do the reforms we will discuss today in any way diminish the rights or practical ability of victims to band together to pursue their claims against large corporations. In fact, we have included several consumer protection provisions in our legislation that I feel strongly will substantially improve plaintiffs' chances of achieving a fair result in any settlement proposal.

There are three key components to S. 274. First, the bill implements consumer protections against abusive settlements by: No. 1. requiring simplified notices that explain to class members the terms of proposed class action settlements and their rights with respect to the proposed settlement in ''plain English''; No. 2. enhancing judicial scrutiny of coupon settlements; No. 3. providing a standard for judicial approval of settlements that would result in a net monetary loss to plaintiffs; No. 4. prohibiting ''bounties'' to class representatives; and No. 5. prohibiting settlements that favor class members based upon geographic proximity to the courthouse.

Second, the bill requires that notice of class action settlements be sent to appropriate State and Federal authorities to provide them with sufficient information to determine whether the settlement is in the best interest of the citizens they represent.

Finally, the bill amends the diversity-of-citizenship jurisdiction statute to allow large interstate class actions to be adjudicated in Federal court by granting jurisdiction in class actions where there is ''minimal diversity'' and the aggregate amount in controversy among all class members exceeds $2 million.

Although some critics have argued that this amendment to diversity jurisdiction somehow violates the principles of federalism or is inconsistent with the Constitution, I fully agree with Mr. Walter Dellinger, former Solicitor General, who testified at our Judiciary Committee hearing last fall, that it is ''difficult to understand any objection to the goal of bringing to the federal court cases of genuine national importance that fall clearly within the jurisdiction conferred on those courts by Article III of the Constitution.''

Last, I would like to express my appreciation to the many individuals who have shared with me the details of their experiences with class action litigation. In particular, I am grateful to those victims of various abuses of the current system who have come forward and told their stories in the hope that something positive might come out of their terrible experiences.

Among those who have come forward is Irene Taylor of Tyler, TX, who was bilked out of approximately $20,000 in a telemarketing scam that defrauded senior citizens out of more than $200 million. In a class action brought in Madison County, IL, the attorneys purportedly representing Mrs. Taylor negotiated a proposed settlement which will exclude her from any recovery whatsoever.

Martha Preston of Baraboo, WI, provides another excellent example. Ms. Preston was involved in the famous BancBoston case, brought in Alabama State court, which involved the bank's failure to post interest to mortgage escrow accounts in a prompt manner. Although Ms. Preston did receive a settlement of about $4, approximately $95 was deducted from her account to help pay the class counsel's legal fees of $8.5 million. Notably, Ms. Preston testified before my committee 5 years ago asking us to stop these abusive class action lawsuits, but it appears that, at least thus far, her plea has not been heard.

I urge my colleagues to support this modest effort to reform the abuses in the current system, abuses that are actually hurting those the system is supposed to help.

By Mr. MCCAIN (for himself and Mr. DORGAN):

S. 275. A bill to amend the Professional Boxing Safety Act of 1996, and to establish the United States Boxing Administration; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, today, I am joined by my colleague, Senator DORGAN, in introducing the Professional Boxing Amendments Act of 2003. This legislation is designed to strengthen existing Federal boxing laws by making uniform certain health and safety standards, establish a centralized medical registry to be used by local commissions to protect boxers, reduce arbitrary practices of sanctioning organizations, and provide uniformity in ranking criteria and contractual guidelines. This legislation also would establish a Federal regulatory entity to oversee professional boxing and set uniform standards for certain aspects of the sport.

Since 1996, Congress has acted to improve the sport of boxing by passing two laws, the Professional Boxing Safety Act of 1996, and the Muhammad Ali Boxing Reform Act of 2000. These laws were intended to establish uniform standards to improve the health and safety of boxers, and to better protect them from the sometimes coercive, exploitative, and unethical business practices of promoters, managers, and sanctioning organizations.

While the Professional Boxing Safety Act, as amended by the Muhammad Ali Act, has had some positive effects on the sport, I am concerned by the repeated failure of some State and tribal boxing commissions to comply with the law, and the lack of enforcement of the law by both Federal and State law enforcement officials. Corruption remains endemic in professional boxing, and the sport continues to be beset with a variety of problems, some beyond the scope of the current system of local regulation.

Therefore, the bill we are introducing today would further strengthen Federal boxing laws, and also create a Federal regulatory entity, the ''United States Boxing Administration'', USBA, to oversee the sport. The USBA would be headed by an Administrator, appointed by the President, with the advice and consent of the Senate.

The primary functions of the USBA would be to protect the health, safety, and general interests of boxers. More specifically, the USBA would, among other things: administer Federal boxing laws and coordinate with other federal regulatory agencies to ensure that these laws are enforced; oversee all professional boxing matches in the United States; and work with the boxing industry and local commissions to improve the status and standards of the sport. The USBA would license boxers, promoters, managers, and sanctioning organizations, and revoke or suspend such licenses if the USBA believes that such action is in the public interest. No longer would a boxer be able to forum-shop for a state with a weak commission if he or she is undeserving of a license.

Under this legislative proposal, the fines collected and licensing fees imposed by the USBA would be used to fund a percentage of its activities. The USBA also would maintain a centralized database of medical and statistical information pertaining to boxers in the United States that would be used confidentially by local commissions in making licensing decisions.

Let me be clear. The USBA would not be intended to micro-manage boxing by interfering with the daily operations of local boxing commissions. Instead, the USBA would work in consultation with local commissions, and the USBA Administrator would only exercise his/her

authority should reasonable grounds exist for intervention.

The problems that plague the sport of professional boxing compromise the safety of boxers and undermine the credibility of the sport in the eyes of the public. I believe this bill provides a realistic approach to curbing these problems, and I urge my colleagues to support it.

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

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

S. 275

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 ''Professional Boxing Amendments Act of 2003''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Amendment of Professional Boxing Safety Act of 1996.
Sec. 3. Definitions.
Sec. 4. Purposes.
Sec. 5. USBA approval, or ABC or commission sanction, required for matches.
Sec. 6. Safety standards.
Sec. 7. Registration.
Sec. 8. Review.
Sec. 9. Reporting.
Sec. 10. Contract requirements.
Sec. 11. Coercive contracts.
Sec. 12. Sanctioning organizations.
Sec. 13. Required disclosures by sanctioning organizations.
Sec. 14. Required disclosures by promoters.
Sec. 15. Judges and referees.
Sec. 16. Medical registry.
Sec. 17. Conflicts of interest.
Sec. 18. Enforcement.
Sec. 19. Repeal of deadwood.
Sec. 20. Recognition of tribal law.
Sec. 21. Establishment of United States Boxing Administration.
Sec. 22. Effective date.

SEC. 2. AMENDMENT OF PROFESSIONAL BOXING SAFETY ACT OF 1996.

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 Professional Boxing Safety Act of 1996 (15 U.S.C. 6301 et seq.).

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—Section 2 (15 U.S.C. 6301) is amended to read as follows:

''SEC. 2. DEFINITIONS.

''In this Act:

''(1) ADMINISTRATION.—The term 'Administration' means the United States Boxing Administration.

''(2) BOUT AGREEMENT.—The term 'bout agreement' means a contract between a promoter and a boxer which requires the boxer to participate in a professional boxing match with a designated opponent on a particular date.

''(3) BOXER.—The term 'boxer' means an individual who fights in a professional boxing match.

''(4) BOXING COMMISSION.—The term 'boxing commission' means an entity authorized under State or tribal law to regulate professional boxing matches.

''(5) BOXER REGISTRY.—The term 'boxer registry' means any entity certified by the Association of Boxing Commissions for the purposes of maintaining records and identification of boxers.

''(6) BOXING SERVICE PROVIDER.—The term 'boxing service provider' means a promoter, manager, sanctioning body, licensee, or matchmaker.

''(7) CONTRACT PROVISION.—The term 'contract provision' means any legal obligation between a boxer and a boxing service provider.

''(8) INDIAN LANDS; INDIAN TRIBE.—The terms 'Indian lands' and 'Indian tribe' have the meanings given those terms by paragraphs (4) and (5), respectively, of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703).

''(9) LICENSEE.—The term 'licensee' means an individual who serves as a trainer, second, or cut man for a boxer.

''(10) LOCAL BOXING AUTHORITY.—The term 'local boxing authority' means—

''(A) any agency of a State, or of a political subdivision of a State, that has authority under the laws of the State to regulate professional boxing; and

''(B) any agency of an Indian tribe that is authorized by the Indian tribe or the governing body of the Indian tribe to regulate professional boxing on Indian lands.

''(11) MANAGER.—The term 'manager' means a person who, under contract, agreement, or other arrangement with a boxer, undertakes to control or administer, directly or indirectly, a boxing-related matter on behalf of that boxer, including a person who is a booking agent for a boxer.

''(12) MATCHMAKER.—The term 'matchmaker' means a person that proposes, selects, and arranges the boxers to participate in a professional boxing match.

''(13) PHYSICIAN.—The term 'physician' means a doctor of medicine legally authorized to practice medicine by the State in which the physician performs such function or action.

''(14) PROFESSIONAL BOXING MATCH.—The term 'professional boxing match' means a boxing contest held in the United States between individuals for financial compensation. The term 'professional boxing match' does not include a boxing contest that is regulated by a duly recognized amateur sports organization, as approved by the Administration.

''(15) PROMOTER.—

''(A) IN GENERAL.—The term 'promoter' means the person responsible for organizing, promoting, and producing a professional boxing match.

''(B) NON-APPLICATION TO CERTAIN ENTITIES.—The term 'promoter' does not include a premium or other cable or satellite program service, hotel, casino, resort, or other commercial establishment hosting or sponsoring a professional boxing match unless it—

''(i) is responsible for organizing, promoting, and producing the match; and

''(ii) has a promotional agreement with a boxer in that match.

''(C) ENTITIES ENGAGING IN PROMOTIONAL ACTIVITIES THROUGH AN AFFILIATE.—Notwithstanding subparagraph (B), an entity described in that subparagraph shall be considered to be a promoter if the person responsible for organizing, promoting, and producing a professional boxing match—

''(i) is directly or indirectly under the control of, under common control with, or acting at the direction of that entity; and

''(ii) organizes, promotes, and produces the match at the direction or request of the entity.

''(16) PROMOTIONAL AGREEMENT.—The term 'promotional agreement' means a contract between a any person and a boxer under which the boxer grants to that person the right to secure and arrange all professional boxing matches requiring the boxer's services for—

''(A) a prescribed period of time; or

''(B) a prescribed number of professional boxing matches.

''(17) STATE.—The term 'State' means each of the 50 States, Puerto Rico, the District of Columbia, and any territory or possession of the United States, including the Virgin Islands.

''(18) EFFECTIVE DATE OF THE CONTRACT.—The term 'effective date of the contract' means the day upon which a boxer becomes legally bound by the contract.

''(19) SANCTIONING ORGANIZATION.—The term 'sanctioning organization' means an organization, other than a boxing commission, that sanctions professional boxing matches, ranks professional boxers, or charges a sanctioning fee for professional boxing matches in the United States—

''(A) between boxers who are residents of different States; or

''(B) that are advertised, otherwise promoted, or broadcast (including closed circuit television) in interstate commerce.

''(20) SUSPENSION.—The term 'suspension' includes within its meaning the revocation of a boxing license.

''(21) TRIBAL ORGANIZATION.—The term 'tribal organization' has the same meaning as in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).''.

(b) CONFORMING AMENDMENT.—Section 21 (15 U.S.C. 6312) is amended to read as follows:

''SEC. 21. PROFESSIONAL BOXING MATCHES CONDUCTED ON INDIAN LANDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, a tribal organization may establish a boxing commission to regulate professional boxing matches held on Indian land under the jurisdiction of that tribal organization.

''(b) CONTRACT WITH A BOXING COMMISSION.—A tribal organization that does not establish a boxing commission shall execute a contract with the Association of Boxing Commissions, or a boxing commission that is a member of the Association of Boxing Commissions, to regulate any professional boxing match held on Indian land under the jurisdiction of that tribal organization. If the match is regulated by the Association of Boxing Commissions, the match shall be regulated in accordance with the guidelines established by the United States Boxing Administration. If the match is regulated by a boxing commission from a State other than the State within the borders of which the Indian land is located, the match shall be regulated in accordance with the applicable requirements of the State where the match is held.

''(c) STANDARDS AND LICENSING.—A tribal organization that establishes a boxing commission shall, by tribal ordinance or resolution, establish and provide for the implementation of health and safety standards, licensing requirements, and other requirements relating to the conduct of professional boxing matches that are at least as restrictive as—

''(1) the otherwise applicable requirements of the State in which the Indian land on which the professional boxing match is held is located; or

''(2) the guidelines established by the United States Boxing Administration.''.

SEC. 4. PURPOSES.

Section 3(2) (15 U.S.C. 6302(2)) is amended by striking 'State'.

SEC. 5. USBA APPROVAL, OR ABC OR COMMISSION SANCTION, REQUIRED FOR MATCHES.

(a) IN GENERAL.—Section 4 (15 U.S.C. 6303) is amended to read as follows:

"SEC. 4. APPROVAL OR SANCTION REQUIREMENT.

"(a) IN GENERAL.—No person may arrange, promote, organize, produce, or fight in a professional boxing match within the United States unless the match—

"(1) is approved by the Administration; and

"(2) is supervised by the Association of Boxing Commissions or by a boxing commission that is a member of the Association of Boxing Commissions.

"(b) APPROVAL PRESUMED.—For purposes of subsection (a), the Administration shall be presumed to have approved any match other than—

"(1) a match with respect to which the Administration has been informed of an alleged violation of this Act and with respect to which it has notified the supervising boxing commission that it does not approve;

"(2) a match advertised to the public as a championship match; or

"(3) a match scheduled for 10 rounds or more.

"(c) NOTIFICATION; ASSURANCES.—Each promoter who intends to hold a professional boxing match in a State that does not have a boxing commission shall, not later than 14 days before the intended date of that match, provide assurances in writing to the Administration and the supervising boxing commission that all applicable requirements of this Act will be met with respect to that professional boxing match.".

(b) CONFORMING AMENDMENT.—Section 19 (15 U.S.C. 6310) is repealed.

SEC. 6. SAFETY STANDARDS.

Section 5 (15 U.S.C. 6304) is amended—

(1) by striking "requirements or an alternative requirement in effect under regulations of a boxing commission that provides equivalent protection of the health and safety of boxers:" and inserting "requirements:";

(2) by adding at the end of paragraph (1) "The examination shall include testing for infectious diseases in accordance with standards established by the Administration.";

(3) by striking paragraph (2) and inserting the following:

"(2) An ambulance continuously present on site.";

(4) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and inserting after paragraph (2) the following:

"(3) Emergency medical personnel with appropriate resuscitation equipment continuously present on site."; and

(5) by striking "match." in paragraph (5), as redesignated, and inserting "match in an amount prescribed by the Administration.".

SEC. 7. REGISTRATION.

Section 6 (15 U.S.C. 6305) is amended—

(1) by inserting "or Indian tribe" after "State" the second place it appears in subsection (a)(2);

(2) by striking the first sentence of subsection (c) and inserting "A boxing commission shall, in accordance with requirements established by the Administration, make a health and safety disclosure to a boxer when issuing an identification card to that boxer.";

(3) by striking "should" in the second sentence of subsection (c) and inserting "shall, at a minimum,"; and

(4) by adding at the end the following:

"(d) COPY OF REGISTRATION TO BE SENT TO ADMINISTRATION.—A boxing commission shall furnish a copy of each registration received under subsection (a) to the Administration.".

SEC. 8. REVIEW.

Section 7 (15 U.S.C. 6306) is amended—

(1) by striking paragraphs (3) and (4) of subsection (a) and inserting the following:

"(3) Procedures to review a summary suspension when a hearing before the boxing commission is requested by a boxer, licensee, manager, matchmaker, promoter, or other boxing service provider which provides an opportunity for that person to present evidence.";

(2) by striking subsection (b); and

(3) by striking "(a) PROCEDURES.—".

SEC. 9. REPORTING.

Section 8 (15 U.S.C. 6307) is amended—

(1) by striking "48 business hours" and inserting "2 business days"; and

(2) by striking "each boxer registry." and inserting "the Administration.".

SEC. 10. CONTRACT REQUIREMENTS.

Section 9 (15 U.S.C. 6307a) is amended to read as follows:

"SEC. 9. CONTRACT REQUIREMENTS.

"(a) IN GENERAL.—The Administration, in consultation with the Association of Boxing Commissions, shall develop guidelines for minimum contractual provisions that shall be included in each bout agreement, boxer-manager contract, and promotional agreement. Each boxing commission shall ensure that these minimal contractual provisions are present in any such agreement or contract submitted to it.

"(b) FILING AND APPROVAL REQUIREMENTS.—

"(1) ADMINISTRATION.—A manager or promoter shall submit a copy of each boxer-manager contract and each promotional agreement between that manager or promoter and a boxer to the Administration, and, if requested, to the boxing commission with jurisdiction over the bout.

"(2) BOXING COMMISSION.—A boxing commission may not approve a professional boxing match unless a copy of the bout agreement related to that match has been filed with it and approved by it.

"(c) BOND OR OTHER SURETY.—A boxing commission may not approve a professional boxing match unless the promoter of that match has posted a surety bond, cashier's check, letter of credit, cash, or other security with the boxing commission in an amount acceptable to the boxing commission.".

SEC. 11. COERCIVE CONTRACTS.

Section 10 (15 U.S.C. 6307b) is amended—

(1) by striking paragraph (3) of subsection (a);

(2) by inserting "or elimination" after "mandatory" in subsection (b).

SEC. 12. SANCTIONING ORGANIZATIONS.

(a) IN GENERAL.—Section 11 (15 U.S.C. 6307c) is amended to read as follows:

"SEC. 11. SANCTIONING ORGANIZATIONS.

"(a) OBJECTIVE CRITERIA.—Within 1 year after the date of enactment of the Professional Boxing Amendments Act of 2003, the Administration shall develop guidelines for objective and consistent written criteria for the rating of professional boxers based on the athletic merits of the boxers. Within 90 days after the Administration's promulgation of the guidelines, each sanctioning organization shall adopt the guidelines and follow them.

"(b) NOTIFICATION OF CHANGE IN RATING.—A sanctioning organization shall, with respect to a change in the rating of a boxer previously rated by such organization in the top 10 boxers—

"(1) post a copy, within 7 days after the change, on its Internet website or home page, if any, including an explanation of the change, for a period of not less than 30 days;

(2) provide a copy of the rating change and a thorough explanation in writing under penalty of perjury to the boxer and the Administration;

"(3) provide the boxer an opportunity to appeal the ratings change; and

"(4) apply the objective criteria for ratings required under subsection (a) in considering any such appeal.

"(c) CHALLENGE OF RATING.—If a sanctioning organization receives an inquiry from a boxer challenging that organization's rating of the boxer, it shall (except to the extent otherwise required by the Administration), within 7 days after receiving the request—

"(1) provide to the boxer a written explanation under penalty of perjury of the organization's rating criteria, its rating of the boxer, and the rationale or basis for its rating (including a response to any specific questions submitted by the boxer); and

"(2) submit a copy of its explanation to the Association of Boxing Commissions and the Administration.".

SEC. 13. REQUIRED DISCLOSURES BY SANCTIONING ORGANIZATIONS.

Section 12 (15 U.S.C. 6307d) is amended—

(1) by striking the matter preceding paragraph (1) and inserting "Within 7 days after a professional boxing match of 10 rounds or more, the sanctioning organization for that match shall provide to the boxing commission in the State or on Indian land responsible for regulating the match, and to the Administration, a statement of—";

(2) by striking "will assess" in paragraph (1) and inserting "has assessed, or will assess,"; and

(3) by striking "will receive" in paragraph (2) and inserting "has received, or will receive,".

SEC. 14. REQUIRED DISCLOSURES BY PROMOTERS.

Section 13 (15 U.S.C. 6307e) is amended—

(1) by striking the matter in subsection (a) preceding paragraph (1) and inserting the following:

"(a) DISCLOSURES TO BOXING COMMISSIONS AND ADMINISTRATION.—Within 7 days after a professional boxing match of 10 rounds or more, the promoter of any boxer participating in that match shall provide to the boxing commission in the State or on Indian land responsible for regulating the match, and to the Administration—";

(2) by striking "writing," in subsection (a)(1) and inserting "writing, other than a bout agreement previously provided to the commission,";

(3) by striking "all fees, charges, and expenses that will be" in subsection (a)(3)(A) and inserting "a statement of all fees, charges, and expenses that have been, or will be,";

(4) by inserting "a statement of" before "all" in subsection (a)(3)(B);

(5) by inserting "a statement of" before "any" in subsection (a)(3)(C);

(6) by striking the matter in subsection (b) following "BOXER.—" and preceding paragraph (1) and inserting "Within 7 days after a professional boxing match of 10 rounds or more, the promoter of that match shall provide to each boxer participating in the match a statement of—"; and

(7) by striking "match;" in subsection (b)(1) and inserting "match, and that the promoter has paid, or agreed to pay, to any other person in connection with the match;".

SEC. 15. JUDGES AND REFEREES.

(a) IN GENERAL.—Section 16 (15 U.S.C. 6307h) is amended—

(1) by inserting "(a) LICENSING AND ASSIGNMENT REQUIREMENT.—" before "No person";

(2) by striking "certified and approved" and inserting "selected";

(3) by inserting "or Indian lands" after "State"; and

(4) by adding at the end the following:

"(b) CHAMPIONSHIP AND 10-ROUND BOUTS.—In addition to the requirements of subsection (a), no person may arrange, promote, organize, produce, or fight in a professional boxing match advertised to the public as a championship match or in a professional

boxing match scheduled for 10 rounds or more unless all referees and judges participating in the match have been licensed by the Administration.

''(c) SANCTIONING ORGANIZATION NOT TO INFLUENCE SELECTION PROCESS.—A sanctioning organization—

''(1) may provide a list of judges and referees deemed qualified by that organization to a boxing commission; but

''(2) shall not influence, or attempt to influence, a boxing commission's selection of a judge or referee for a professional boxing match except by providing such a list.

''(d) ASSIGNMENT OF NONRESIDENT JUDGES AND REFEREES.—A boxing commission may assign judges and referees who reside outside that commission's State or Indian land if the judge or referee is licensed by a boxing commission in the United States.

''(e) REQUIRED DISCLOSURE.—A judge or referee shall provide to the boxing commission responsible for regulating a professional boxing match in a State or on Indian land a statement of all consideration, including reimbursement for expenses, that the judge or referee has received, or will receive, from any source for participation in the match. If the match is scheduled for 10 rounds or more, the judge or referee shall also provide such a statement to the Administration.''.

(b) CONFORMING AMENDMENT.—Section 14 (15 U.S.C. 6307f) is repealed.

SEC. 16. MEDICAL REGISTRY.

The Act is amended by inserting after section 13 (15 U.S.C. 6307e) the following:

''SEC. 14. MEDICAL REGISTRY.

(a) IN GENERAL.—The Administration, in consultation with the Association of Boxing Commissions, shall establish and maintain, or certify a third party entity to establish and maintain, a medical registry that contains comprehensive medical records and medical denials or suspensions for every licensed boxer.

''(b) CONTENT; SUBMISSION.—The Administration shall determine—

''(1) the nature of medical records and medical suspensions of a boxer that are to be forwarded to the medical registry; and

''(2) the time within which the medical records and medical suspensions are to be submitted to the medical registry.

''(c) CONFIDENTIALITY.—The Administration shall establish confidentiality standards for the disclosure of personally identifiable information to boxing commissions that will—

''(1) protect the health and safety of boxers by making relevant information available to the boxing commissions for use but not public disclosure; and

''(2) ensure that the privacy of the boxers is protected.''.

SEC. 17. CONFLICTS OF INTEREST.

Section 17(a) is amended by inserting ''no officer or employee of the Administration,'' after ''laws,''.

SEC. 18. ENFORCEMENT.

Section 18 (15 U.S.C. 6309) is amended—

(1) by striking ''(a) INJUNCTION.—'' in subsection (a) and inserting ''(a) ACTIONS BY ATTORNEY GENERAL.—'';

(2) by inserting ''or criminal'' after ''civil'' in subsection (a);

(3) by inserting ''any officer or employee of the Administration,'' after ''laws,'' in subsection (b)(3);

(4) by inserting ''has engaged in or'' after ''organization'' in subsection (c);

(5) by inserting ''or criminal'' after ''civil'' in subsection (c);

(6) by striking ''fines'' in subsection (c)(3) and inserting ''sanctions''; and

(7) by striking ''boxer'' in subsection (d) and inserting ''person''.

Sec. 19. REPEAL OF DEADWOOD.

Section 20 (15 U.S.C. 6311) is repealed.

SEC. 20. RECOGNITION OF TRIBAL LAW.

Section 22 (15 U.S.C. 6313) is amended—

(1) by insert ''**OR TRIBAL**'' in the section heading after ''**STATE**''; and

(2) by inserting ''or Indian tribe'' after ''State''.

SEC. 21. ESTABLISHMENT OF UNITED STATES BOXING ADMINISTRATION.

(a) IN GENERAL.—The Act is amended by adding at the end the following:

''TITLE II—UNITED STATES BOXING ADMINISTRATION

''SEC. 201. PURPOSE.

''The purpose of this title is to protect the health, safety, and welfare of boxers and to ensure fairness in the sport of professional boxing.

''SEC. 202. ESTABLISHMENT OF UNITED STATES BOXING ADMINISTRATION.

''(a) IN GENERAL.—The United States Boxing Administration is established as an administration of the Department of Labor.

''(b) ADMINISTRATOR.—

''(1) APPOINTMENT.—The Administration shall be headed by an Administrator, appointed by the President, by and with the advice and consent of the Senate.

''(2) QUALIFICATIONS.—The Administrator shall be an individual who—

''(A) has extensive experience in professional boxing activities or in a field directly related to professional sports;

''(B) is of outstanding character and recognized integrity; and

''(C) is selected on the basis of training, experience, and qualifications and without regard to party affiliation.

''(3) COMPENSATION.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''The Administrator of the United States Boxing Administration.''.

''(4) TERM OF OFFICE.—The Administrator shall serve for a term of 4 years.

''(c) ASSISTANT ADMINISTRATOR; GENERAL COUNSEL.—The Administration shall have an Assistant Administrator and a General Counsel, who shall be appointed by the Administrator. The Assistant Administrator shall—

''(1) serve as Administrator in the absence of the Administrator, in the event of the inability of the Administrator to carry out the functions of the Administrator, or in the event of a vacancy in that office; and

''(2) carry out such duties as the Administrator may assign.

''(d) STAFF.—The Administration shall have such additional staff as may be necessary to carry out the functions of the Administration.

''SEC. 203. FUNCTIONS.

''(a) PRIMARY FUNCTIONS.—The primary function of the Administration are—

''(1) to protect the health, safety, and general interests of boxers consistent with the provisions of this Act; and

''(2) to ensure uniformity, fairness, and integrity in professional boxing.

''(b) SPECIFIC FUNCTIONS.—The Administrator shall—

''(1) administer title I of this Act;

''(2) promulgate uniform standards for professional boxing in consultation with the boxing commissions of the several States and tribal organizations;

''(3) except as otherwise determined by the Administration, oversee all professional boxing matches in the United States;

''(4) work with the Association of Boxing Commissions and the boxing commissions of the several States and tribal organizations—

''(A) to improve the safety, integrity, and professionalism of professional boxing in the United States;

''(B) to enhance physical, medical, financial, and other safeguards established for the protection of professional boxers; and

''(C) to improve the status and standards of professional boxing in the United States;

''(5) ensure, through the Attorney General, the chief law enforcement officer of the several States, and other appropriate officers and agencies of Federal, State, and local government, that Federal and State laws applicable to professional boxing matches in the United States are vigorously, effectively, and fairly enforced;

''(6) review local boxing authority regulations for professional boxing and provide assistance to such authorities in meeting minimum standards prescribed by the Administration under this title;

''(7) serve as the coordinating body for all efforts in the United States to establish and maintain uniform minimum health and safety standards for professional boxing;

''(8) if the Administrator determines it to be appropriate, publish a newspaper, magazine, or other publication and establish and maintain a website consistent with the purposes of the Administration;

''(9) procure the temporary and intermittent services of experts and consultants to the extent authorized by section 3109(b) of title 5, United States Code, at rates the Administration determines to be reasonable; and

''(10) take any other action that is necessary and proper to accomplish the purpose of this title consistent with the provisions of this title.

''(c) PROHIBITIONS.—The Administration may not—

''(1) promote boxing events or rank professional boxers; or

''(2) provide technical assistance to, or authorize the use of the name of the Administration by, boxing commissions that do not comply with requirements of the Administration.

''(d) USE OF NAME.—The Administration shall have the exclusive right to use the name 'United States Boxing Administration'. Any person who, without the permission of the Administration, uses that name or any other exclusive name, trademark, emblem, symbol, or insignia of the Administration for the purpose of inducing the sale of any goods or services, or to promote any exhibition, performance, or sporting event, shall be subject to suit in a civil action by the Administration for the remedies provided in the Act of July 5, 1946 (commonly known as the 'Trademark Act of 1946'; 15 U.S.C. 1051 et seq.).

''SEC. 204. LICENSING AND REGISTRATION OF BOXING PERSONNEL.

''(a) LICENSING.—

''(1) REQUIREMENT FOR LICENSE.—No person may compete in a professional boxing match or serve as a boxing manager, boxing promoter, or sanctioning organization for a professional boxing match except as provided in a license granted to that person under this subsection.

''(2) APPLICATION AND TERM.—

''(A) IN GENERAL.—The Administration shall—

''(i) establish application procedures, forms, and fees;

''(ii) establish and publish appropriate standards for licenses granted under this section; and

''(iii) issue a license to any person who, as determined by the Administration, meets the standards established by the Administration under this title.

''(B) DURATION.—A license issued under this section shall be for a renewable—

''(i) 4-year term for a boxer; and

''(ii) 2-year term for any other person.

''(C) PROCEDURE.—The Administration may issue a license under this paragraph through local boxing authorities or in a manner determined by the Administration.

''(b) LICENSING FEES.—

''(1) AUTHORITY.—The Administration may prescribe and charge reasonable fees for the licensing of persons under this title. The Administration may set, charge, and adjust varying fees on the basis of classifications of persons, functions, and events determined appropriate by the Administration.

''(2) LIMITATIONS.—In setting and charging fees under paragraph (1), the Administration shall ensure that, to the maximum extent practicable—

''(A) club boxing is not adversely effected;

''(B) sanctioning organizations and promoters pay the largest portion of the fees; and

''(C) boxers pay as small a portion of the fees as is possible.

''(3) COLLECTION.—Fees established under this subsection may be collected through local boxing authorities or by any other means determined appropriate by the Administration.

''SEC. 205. NATIONAL REGISTRY OF BOXING PERSONNEL.

''(a) REQUIREMENT FOR REGISTRY.—The Administration, in consultation with the Association of Boxing Commissions, shall establish and maintain (or authorize a third party to establish and maintain) a unified national computerized registry for the collection, storage, and retrieval of information related to the performance of its duties.

''(b) CONTENTS.—The information in the registry shall include the following:

''(1) BOXERS.—A list of professional boxers and data in the medical registry established under section 114 of this Act, which the Administration shall secure from disclosure in accordance with the confidentiality requirements of section 114(c).

''(2) OTHER PERSONNEL.—Information (pertinent to the sport of professional boxing) on boxing promoters, boxing matchmakers, boxing managers, trainers, cut men, referees, boxing judges, physicians, and any other personnel determined by the Administration as performing a professional activity for professional boxing matches.

''SEC. 206. CONSULTATION REQUIREMENTS.

''The Administration shall consult with local boxing authorities—

''(1) before prescribing any regulation or establishing any standard under the provisions of this title; and

''(2) not less than once each year regarding matters relating to professional boxing.

''SEC. 207. MISCONDUCT.

''(a) SUSPENSION AND REVOCATION OF LICENSE OR REGISTRATION.—

''(1) AUTHORITY.—The Administration may, after notice and opportunity for a hearing, suspend or revoke any license issued under this title if the Administration finds that—

''(A) the suspension or revocation is necessary for the protection of health and safety or is otherwise in the public interest;

''(B) there are reasonable grounds for belief that a standard prescribed by the Administration under this title is not being met, or that bribery, collusion, intentional losing, racketeering, extortion, or the use of unlawful threats, coercion, or intimidation have occurred in connection with a license; or

''(C) the licensee has violated any provision of this Act.

''(2) PERIOD OF SUSPENSION.—

''(A) IN GENERAL.—A suspension of a license under this section shall be effective for a period determined appropriate by the Administration except as provided in subparagraph (B).

''(B) SUSPENSION FOR MEDICAL REASONS.—In the case of a suspension or denial of the license of a boxer for medical reasons by the Administration, the Administration may terminate the suspension or denial at any time that a physician certifies that the boxer is fit to participate in a professional boxing match. The Administration shall prescribe the standards and procedures for accepting certifications under this subparagraph.

''(b) INVESTIGATIONS AND INJUNCTIONS.—

''(1) AUTHORITY.—The Administration may—

''(A) conduct any investigation that it considers necessary to determine whether any person has violated, or is about to violate, any provision of this title or any regulation prescribed under this title;

''(B) require or permit any person to file with it a statement in writing, under oath or otherwise as the Administration shall determine, as to all the facts and circumstances concerning the matter to be investigated;

''(C) in its discretion, publish information concerning any violations; and

''(D) investigate any facts, conditions, practices, or matters to aid in the enforcement of the provisions of this title, in the prescribing of regulations under this title, or in securing information to serve as a basis for recommending legislation concerning the matters to which this title relates.

''(2) POWERS.—

''(A) IN GENERAL.—For the purpose of any investigation under paragraph (1), or any other proceeding under this title, any officer designated by the Administration may administer oaths and affirmations, subpoena or otherwise compel the attendance of witnesses, take evidence, and require the production of any books, papers, correspondence, memorandums, or other records which the Administration considers relevant or material to the inquiry.

''(B) WITNESSES AND EVIDENCE.—The attendance of witnesses and the production of any documents under subparagraph (A) may be required from any place in the United States, including Indian land, at any designated place of hearing.

''(3) ENFORCEMENT OF SUBPOENAS.—

''(A) CIVIL ACTION.—In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Administration may file an action in any court of the United States within the jurisdiction of which an investigation or proceeding is carried out, or where that person resides or carries on business, to enforce the attendance and testimony of witnesses and the production of books, papers, correspondence, memorandums, and other records. The court may issue an order requiring the person to appear before the Administration to produce records, if so ordered, or to give testimony concerning the matter under investigation or in question.

''(B) FAILURE TO OBEY.—Any failure to obey an order issued by a court under subparagraph (A) may be punished as contempt of that Court.

''(C) PROCESS.—All process in any contempt case under subparagraph (A) may be served in the judicial district in which the person is an inhabitant or in which the person may be found.

''(4) EVIDENCE OF CRIMINAL MISCONDUCT.—

''(A) IN GENERAL.—No person may be excused from attending and testifying or from producing books, papers, contracts, agreements, and other records and documents before the Administration, in obedience to the subpoena of the Administration, or in any cause or proceeding instituted by the Administration, on the ground that the testimony or evidence, documentary or otherwise, required of that person may tend to incriminate the person or subject the person to a penalty or forfeiture.

''(B) LIMITED IMMUNITY.—No individual may be prosecuted or subject to any penalty or forfeiture for, or on account of, any transaction, matter, or thing concerning the matter about which that individual is compelled, after having claimed a privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

''(5) INJUNCTIVE RELIEF.—If the Administration determines that any person is engaged or about to engage in any act or practice that constitutes a violation of any provision of this title, or of any regulation prescribed under this title, the Administration may bring an action in the appropriate district court of the United States, the United States District Court for the District of Columbia, or the United States courts of any territory or other place subject to the jurisdiction of the United States, to enjoin the act or practice, and upon a proper showing, the court shall grant without bond a permanent or temporary injunction or restraining order.

''(6) MANDAMUS.—Upon application of the Administration, the district courts of the United States, the United States District Court for the District of Columbia, and the United States courts of any territory or other place subject to the jurisdiction of the United States, shall have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this title or any order of the Administration.

''(c) INTERVENTION IN CIVIL ACTIONS.—

''(1) IN GENERAL.—The Administration, on behalf of the public interest, may intervene of right as provided under rule 24(a) of the Federal Rules of Civil Procedure in any civil action relating to professional boxing filed in a United States district court.

''(2) AMICUS FILING.—The Administration may file a brief in any action filed in a court of the United States on behalf of the public interest in any case relating to professional boxing.

''(d) HEARINGS BY ADMINISTRATION.—Hearings conducted by the Administration under this title shall be public and may be held before any officer of the Administration or before a boxing commission that is a member of the Association of Boxing Commissions. The Administration shall keep appropriate records of the hearings.

''SEC. 208. NONINTERFERENCE WITH LOCAL BOXING AUTHORITIES.

''(a) NONINTERFERENCE.—Nothing in this title prohibits any local boxing authority from exercising any of its powers, duties, or functions with respect to the regulation or supervision of professional boxing or professional boxing matches to the extent not inconsistent with the provisions of this title.

''(b) MINIMUM STANDARDS.—Nothing in this title prohibits any local boxing authority from enforcing local standards or requirements that exceed the minimum standards or requirements promulgated by the Administration under this title.

''SEC. 209. ASSISTANCE FROM OTHER AGENCIES.

''Any employee of any executive department, agency, bureau, board, commission, office, independent establishment, or instrumentality may be detailed to the Administration, upon the request of the Administration, on a reimbursable or nonreimbursable basis, with the consent of the appropriate authority having jurisdiction over the employee. While so detailed, an employee shall continue to receive the compensation provided pursuant to law for the employee's regular position of employment and shall retain, without interruption, the rights and privileges of that employment.

''SEC. 210. REPORTS.

''(a) ANNUAL REPORT.—The Administration shall submit a report on its activities to the Senate Committee on Commerce, Science,

and Transportation and the House of Representatives Committee on Commerce each year. The annual report shall include the following:

''(1) A detailed discussion of the activities of the Administration for the year covered by the report.

''(2) A description of the local boxing authority of each State and Indian tribe.

''(b) PUBLIC REPORT.—The Administration shall annually issue and publicize a report of the Administration on the progress made at Federal and State levels and on Indian lands in the reform of professional boxing, which shall include comments on issues of continuing concern to the Administration.

''(c) FIRST ANNUAL REPORT ON THE ADMINISTRATION.—The first annual report under this title shall be submitted not later than 2 years after the effective date of this title.

''SEC. 211. INITIAL IMPLEMENTATION.

''(a) TEMPORARY EXEMPTION.—The requirements for licensing under this title do not apply to a person for the performance of an activity as a boxer, boxing judge, or referee, or the performance of any other professional activity in relation to a professional boxing match, if the person is licensed by a boxing commission to perform that activity as of the effective date of this title.

''(b) EXPIRATION.—The exemption under subsection (a) with respect to a license issued by a boxing commission expires on the earlier of—

''(A) the date on which the license expires; or

''(B) the date that is 2 years after the date of the enactment of the Professional Boxing Amendments Act of 2003.

''SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated for the Administration for each fiscal year such sums as may be necessary for the Administration to perform its functions for that fiscal year.

''(b) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, United States Code, any fee collected under this title—

''(1) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

''(2) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

''(3) shall remain available until expended.''.

(b) CONFORMING AMENDMENTS.—

(1) PBSA.—The Professional Boxing Safety Act or 1966, as amended by this Act, is further amended—

(A) by amending section 1 to read as follows:

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

''(a) SHORT TITLE.—This Act may be cited as the 'Professional Boxing Safety Act'.

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

''Section 1. Short title; table of contents.
''Sec. 2. Definitions.
''Title I—Professional Boxing Safety
''Sec. 101. Purposes.
''Sec. 102. Approval or sanction requirement.
''Sec. 103. Safety standards.
''Sec. 104. Registration.
''Sec. 105. Review.
''Sec. 106. Reporting.
''Sec. 107. Contract requirements.
''Sec. 108. Protection from coercive contracts.
''Sec. 109. Sanctioning organizations.
''Sec. 110. Required disclosures to state boxing commissions by sanctioning organizations.
''Sec. 111. Required disclosures for promoters.
''Sec. 112. Medical registry.
''Sec. 113. Confidentiality.
''Sec. 114. Judges and referees.
''Sec. 115. Conflicts of interest.
''Sec. 116. Enforcement.
''Sec. 117. Professional boxing matches conducted on indian lands.
''Sec. 118. Relationship with State or tribal law.
''Title II—United States Boxing Administration
''Sec. 201. Purpose.
''Sec. 202. Establishment of United States Boxing Administration.
''Sec. 203. Functions.
''Sec. 204. Licensing and registration of boxing personnel.
''Sec. 205. National registry of boxing personnel.
''Sec. 206. Consultation requirements.
''Sec. 207. Misconduct.
''Sec. 208. Noninterference with local boxing authorities.
''Sec. 209. Assistance from other agencies.
''Sec. 210. Reports.
''Sec. 211. Initial implementation.
''Sec. 212. Authorization of appropriations.'';

(B) by inserting before section 3 the following:

''TITLE I—PROFESSIONAL BOXING SAFETY'' ;

(C) by redesignating sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, and 22 as sections 101 through 118, respectively;

(D) by striking ''section 13'' each place it appears in section 113, as redesignated, and inserting ''section 111'';

(E) by striking ''section 4.'' in section 117(a), as redesignated, and inserting ''section 102.'';

(F) by striking ''9(b), 10, 11, 12, 13, 14, or 16,'' in paragraph (1) of section 116(b), as redesignated, and inserting ''107, 108, 109, 110, 111, or 114,'';

(G) by striking ''9(b), 10, 11, 12, 13, 14, or 16'' in paragraph (2) of section 116(b), as redesignated, and inserting ''107, 108, 109, 110, 111, or 114'';

(H) by striking ''section 17(a)'' in subsection (b)(3) of section 116, as redesignated, and inserting ''section 115(a)'';

(I) by striking ''section 10'' in subsection (e)(3) of section 116, as redesignated, and inserting ''section 108''; and

(J) by striking ''of this Act'' each place it appears in sections 101 through 120, as redesignated, and inserting ''of this title''.

(2) COMPENSATION OF ADMINISTRATOR.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''The Administrator of the United States Boxing Administration.''.

SEC. 22. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) 1-YEAR DELAY FOR CERTAIN TITLE II PROVISIONS.—Sections 205 through 212 of the Professional Boxing Safety Act or 1996, as added by section 21(a) of this Act, shall take effect 1 year after the date of enactment of this Act.

By Mr. BENNETT:

S. 277. A bill to authorize the Secretary of the Interior to construct an education and administrative center at the Bear River Migratory Bird Refuge in Box Elder County, Utah; to the Committee on Energy and Natural Resources.

Mr. BENNETT. Mr. President, I rise today to introduce the Bear River Migratory Bird Refuge Visitor Center Act.

Long a haven for migratory birds, the Bear River marshes provide millions of birds with habitat and food. In 1928, in response to a series of devastating outbreaks of avian botulism, which killed thousands of birds along the river, Congress established the Bear River Migratory Bird Refuge. It serves to provide habitat for waterfowl, protect waterfowl from botulism outbreaks, and provide recreational and education opportunities to the public.

In 1983, floods breached the refuge dikes, destroyed the visitor center, and contaminated the rich wildlife habitat. Thanks to the great efforts of Al Trout, the refuge manager, refuge employees, and numerous volunteers, an increasing number of both waterfowl and humans are visiting the Bear River Migratory Bird Refuge each year. Today, the Bear River Refuge encompasses 74,000 acres and has provided refuge for over 220 recorded waterfowl species. However, a new visitor center for the refuge has yet to be built. As such, rich educational opportunities associated with visitor center programs and exhibits are not available to the public. Aware of the benefits of such a center, a number of local communities, the Friends of Bear River Bird Refuge, and other nonprofit organizations have raised over $1.5 million for the project.

This legislation would authorize $11 million to be used for the construction of an Education Center and Administrative Facility. Such a facility would both generate much needed public awareness of our national wildlife refuge system and significantly enhance the visiting public's refuge experience. A visitor center at the Bear River Migratory bird Refuge will result in a more meaningful, educational, and accessible experience for the visiting public.

I believe that this legislation is an exciting opportunity to showcase the many wildlife and natural treasures that Utah's Bear River Migratory Bird Refuge contains. I look forward to working with my colleagues in the Senate to pass this legislation this session.

By Mr. BENNETT:

S. 278. A bill to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BENNETT. Mr. President, I rise today to introduce the Mount Naomi Wilderness Boundary Adjustment Act.

Included in the Utah Wilderness Act of 1984, the Mount Naomi Wilderness is one of Utah's largest wilderness areas at over 44,000 acres. It is a very scenic area and contains some of the best examples of alpine terrain in the intermountain west. There are large populations of moose, elk, and deer. It is an area truly worthy of its designation.

Unfortunately the boundaries were drawn in such a way as to have some unintended consequences. Running through the wilderness is a utility corridor, containing a major electricity transmission line. This power line serves the residents of Logan and the whole south end of Cache Valley. Because of restrictions in the Wilderness Act of 1964, maintaining and repairing the power line will be very difficult in the future.

Also impacted by Mount Naomi's boundaries is one of Utah's most popular hiking and mountain biking trails: the Bonneville Shoreline Trail. The Bonneville Shoreline Trail, when completed will be over 250 miles in length. Starting in Nephi and heading north into Idaho, the trail will follow the shoreline of ancient Lake Bonneville. The alignment of the trail is planned to go through a small part of the Mount Naomi Wilderness. While hikers and equestrian users would be permitted to use this section of the trail, mountain bikers would be prohibited. The city of Logan has tried to work to change the alignment to adjacent private property to no avail.

The legislation I am introducing today would redraw the boundaries of the Mount Naomi Wilderness. The acreage of this wilderness area would not change, thirty-one current acres would be excluded and thirty-one new acres would be added. The newly added lands will be managed pursuant to the Utah Wilderness Act of 1984. The boundaries will now better reflect the topography of Mount Naomi and the inconsistent uses will be removed from the wilderness.

This legislation was originally offered in the 107th Congress by former Representative Jim Hansen. It passed the House of Representatives but was never acted upon by the Senate. The city of Logan, Cache County, and the United States Forest Service all are supportive of this legislation.

I look forward to working with my colleagues in the Senate to pass this legislation this session.

By Mr. CAMPBELL:

S. 281. A bill to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes, to provide for training and technical assistance to Native Americans who are interested in commercial vehicle driving careers, and for other purposes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am pleased to be joined by Senator INOUYE in reintroducing the ''Indian Tribal Surface Transportation Improvement Act of 2003'', a bill to reform and improve Indian Reservation Road, IRR, program.

In the past two Congresses the Committee on Indian Affairs has held hearings on the problems with the IRR program and this bill provides much-needed clarifications to better meet the transportation needs in Native communities.

Involving as it does transportation and related issues, this bill includes an initiative I proposed last session to support commercial vehicle driving training programs at tribal colleges and universities.

Although reservation roads comprise just 2.63 percent of the Federal highway system, less than 1 percent of Federal aid has been allocated to Indian roads. This bill would allow the already-authorized funds for Indians to reach the intended beneficiaries.

As with any community, Indian reservations need efficient and effective road financing and construction to develop healthy economies and raise the standard of living.

It is no secret that when entrepreneurs, Indian or non-Indian, calculate whether to invest in a community they first look to see if the basic building blocks exist within the community: roads, highways, electricity, potable water, and other amenities.

Unfortunately, despite recent successes some Indian tribes have had with gaming, energy and natural resource development, most Indian tribes still suffer from poor infrastructure that thwarts investment and economic growth.

Building on the successes of the Indian Self Determination and Education Assistance Act, this bill authorizes the Federal Lands Highway Administration to create a 12-tribe pilot program to contract directly for roads funding.

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. 281

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 ''Indian Tribal Surface Transportation Improvement Act of 2003''.

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

Sec. 1. Short title; table of contents.

TITLE I—INDIAN TRIBAL SURFACE TRANSPORTATION

Sec. 101. Short title.
Sec. 102. Amendments relating to Indian tribes.

TITLE II—TRAINING AND TECHNICAL ASSISTANCE FOR NATIVE AMERICANS

Sec. 201. Short title.
Sec. 202. Purposes.
Sec. 203. Definitions.
Sec. 204. Commercial vehicle driving training program.

TITLE I—INDIAN TRIBAL SURFACE TRANSPORTATION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Indian Tribal Surface Transportation Act of 2003''.

SEC. 102. AMENDMENTS RELATING TO INDIAN TRIBES.

(a) OBLIGATION LIMITATION.—Section 1102(c)(1) of the Transportation Equity Act for the 21st Century (23 U.S.C. 104 note; 112 Stat. 116) is amended—

(1) by striking ''Code, and'' and inserting ''Code,''; and

(2) by inserting before the semicolon the following: '', and for each of fiscal years 2003 and 2004, amounts authorized for Indian reservation roads under section 204 of title 23, United States Code''.

(b) DEMONSTRATION PROJECT.—Section 202(d)(3) of title 23, United States Code, is amended by adding at the end the following:

''(C) FEDERAL LANDS HIGHWAY PROGRAM DEMONSTRATION PROJECT.—

''(i) IN GENERAL.—The Secretary shall establish a demonstration project under which all funds made available under this title for Indian reservation roads and for highway bridges located on Indian reservation roads as provided for in subparagraph (A) shall be made available, on the request of an affected Indian tribal government, to the Indian tribal government for use in carrying out, in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), contracts and agreements for the planning, research, engineering, and construction described in that subparagraph.

''(ii) EXCLUSION OF AGENCY PARTICIPATION.—In accordance with subparagraph (B), all funds for Indian reservation roads and for highway bridges located on Indian reservation roads to which clause (i) applies shall be paid without regard to the organizational level at which the Federal lands highway program has previously carried out the programs, functions, services, or activities involved.

''(iii) SELECTION OF PARTICIPATING TRIBES.—

''(I) PARTICIPANTS.—

''(aa) IN GENERAL.—For each fiscal year, the Secretary shall select 12 geographically diverse Indian tribes from the applicant pool described in subclause (II) to participate in the demonstration project carried out under clause (i).

''(bb) CONSORTIA.—Two or more Indian tribes that are otherwise eligible to participate in a program or activity to which this title applies may form a consortium to be considered as a single tribe for the purpose of becoming part of the applicant pool under subclause (II).

''(cc) FUNDING.—An Indian tribe participating in the pilot program under this subparagraph shall receive funding in an amount equal to the sum of the funding that the Indian tribe would otherwise receive in accordance with the funding formula established under the other provisions of this subsection, and an additional percentage of that amount equal to the percentage of funds withheld during the applicable fiscal year for the road program management costs of the Bureau of Indian Affairs under subsection (f)(1).

''(II) APPLICANT POOL.—The applicant pool described in this subclause shall consist of each Indian tribe (or consortium) that—

''(aa) has successfully completed the planning phase described in subclause (III);

''(bb) has requested participation in the demonstration project under this subparagraph through the adoption of a resolution or other official action by the tribal governing body; and

''(cc) has demonstrated financial stability and financial management capability in accordance with subclause (III) during the 3-fiscal year period immediately preceding the fiscal year for which participation under this subparagraph is being requested.

''(III) CRITERIA FOR DETERMINING FINANCIAL STABILITY AND FINANCIAL MANAGEMENT CAPACITY.—For the purpose of subclause (II), evidence that, during the 3-year period referred to in subclause (II)(cc), an Indian tribe had no uncorrected significant and material audit exceptions in the required annual audit of the Indian tribe's self-determination contracts or self-governance funding agreements with any Federal agency shall be conclusive

evidence of the required stability and capability.

''(IV) PLANNING PHASE.—

''(aa) IN GENERAL.—An Indian tribe (or consortium) requesting participation in the demonstration project under this subparagraph shall complete a planning phase that shall include legal and budgetary research and internal tribal government and organization preparation.

''(bb) ELIGIBILITY.—A tribe (or consortium) described in item (aa) shall be eligible to receive a grant under this subclause to plan and negotiate participation in a project described in that item.''.

(c) ADMINISTRATION.—Section 202 of title 23, United States Code, is amended by adding at the end the following:

''(f) ADMINISTRATION OF INDIAN RESERVATION ROADS.—

''(1) CONTRACT AUTHORITY.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, for any fiscal year, not more than 6 percent of the contract authority amounts made available from the Highway Trust Fund to the Bureau of Indian Affairs under this title shall be used to pay the administrative expenses of the Bureau for the Indian reservation roads program (including the administrative expenses relating to individual projects that are associated with the program).

''(B) AVAILABILITY.—Amounts made available to pay administrative expenses under subparagraph (A) shall be made available to an Indian tribal government, on the request of the government, to be used for the associated administrative functions assumed by the Indian tribe under contracts and agreements entered into under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(2) HEALTH AND SAFETY ASSURANCES.—Notwithstanding any other provision of law, an Indian tribe or tribal organization may commence road and bridge construction under the Transportation Equity Act for the 21st Century (Public Law 105–178) that is funded through a contract or agreement under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) if the Indian tribe or tribal organization has—

''(A) provided assurances in the contract or agreement that the construction will meet or exceed proper health and safety standards;

''(B) obtained the advance review of the plans and specifications from a licensed professional who has certified that the plans and specifications meet or exceed the proper health and safety standards; and

''(C) provided a copy of the certification under subparagraph (B) to the Director of the Bureau of Indian Affairs.

''(g) SAFETY INCENTIVE GRANTS.—

''(1) SEAT BELT SAFETY INCENTIVE GRANT ELIGIBILITY.—Notwithstanding any other provision of law, an Indian tribe that is eligible to participate in the Indian reservation roads program under subsection (d) shall be deemed to be a State for the purpose of being eligible for safety incentive allocations under section 157 to assist Indian communities in developing innovative programs to promote increased seat belt use rates.

''(2) INTOXICATED DRIVER SAFETY INCENTIVE GRANT ELIGIBILITY.—Notwithstanding any other provision of law, an Indian tribe that is eligible to participate in the Indian reservation roads program under subsection (d) shall be deemed to be a State for the purpose of being eligible for safety incentive grants under section 163 to assist Indian communities in the prevention of the operation of motor vehicles by intoxicated persons.

''(3) FUNDING PROCEDURES AND ELIGIBILITY CRITERIA.—

''(A) IN GENERAL.—The Secretary, in consultation with Indian tribal governments, may develop funding procedures and eligibility criteria applicable to Indian tribes with respect to allocations or grants described in paragraphs (1) and (2).

''(B) PUBLICATION.—The Secretary shall ensure that procedures or criteria developed under subparagraph (A) are published annually in the Federal Register.''.

TITLE II—TRAINING AND TECHNICAL ASSISTANCE FOR NATIVE AMERICANS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Native American Commercial Driving Training and Technical Assistance Act''.

SEC. 202. PURPOSES.

The purposes of this title are—

(1) to foster and promote job creation and economic opportunities for Native Americans; and

(2) to provide education, technical, and training assistance to Native Americans who are interested in commercial vehicle driving careers.

SEC. 203. DEFINITIONS.

In this title:

(1) COMMERCIAL VEHICLE DRIVING.—The term ''commercial vehicle driving'' means the driving of—

(A) a vehicle that is a tractor-trailer truck; or

(B) any other vehicle (such as a bus or a vehicle used for the purpose of construction) the driving of which requires a commercial license.

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) NATIVE AMERICAN.—The term ''Native American'' means an individual who is a member of—

(A) an Indian tribe; or

(B) any people or culture that is indigenous to the United States, as determined by the Secretary.

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

SEC. 204. COMMERCIAL VEHICLE DRIVING TRAINING PROGRAM.

(a) GRANTS.—The Secretary may provide grants, on a competitive basis, to entities described in subsection (b) to support programs providing training and certificates leading to the licensing of Native Americans with respect to commercial vehicle driving.

(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

(1) be a tribal college or university (as defined in section 316(b)(3) of the Higher Education Act (20 U.S.C. 1059(b)(3)); and

(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) PRIORITY.—In providing grants under subsection (a), the Secretary shall give priority to grant applications that—

(1) propose training that exceeds proposed minimum standards for training tractor-trailer drivers of the Department of Transportation;

(2) propose training that exceeds the entry level truck driver certification standards set by the Professional Truck Driver Institute; and

(3) propose an education partnership with a private trucking firm, trucking association, or similar entity in order to ensure the effectiveness of the grant program under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this title.

By Ms. SNOWE:

S. 282. A bill to amend the Education Sciences Act of 2002 to require the Statistics Commissioner to collect information from coeducational secondary schools on such schools' athletic programs; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, I rise today to introduce the ''High School Sports Information Collection Act of 2003''. This legislation directs the Commissioner of the National Center for Education Statistics to collect data from our Nation's high schools regarding the participation of America's adolescents in athletics. Passage of this legislation would allow the Department of Education's Office on Civil Rights to better assess whether high schools are meeting the requirements under Title IX passed as part of the Education Amendments Act of 1972.

The existence of an information gap regarding high school athletic participation was highlighted by a 2001 by the General Accounting Office which was unable to respond to a Congressional request about participation in athletics, including schools' decisions to add or discontinue sports team in high schools, colleges and universities. However, ''because of limited readily available information and the difficulty of collecting comparable information'' the GAO instead could only answer the inquiry about changes in four-year intercollegiate sports.

The legislation is simple. It directs the Commissioner to collect information regarding participation in athletics broken down by gender, teams, race and ethnicity; overall budgets and expenditures, including items like travel expenses, equipment and uniforms and their replacement schedules; the numbers of coaches, full and part-time; and scheduling issues like participation in post-season opportunities and successes by team. These data are already reported, in most cases, to the state Departments of Education and would therefore not pose any additional burden on the high schools.

The simple straightforwardness of this legislation goes a long way toward ensuring that our high schools are complying with civil rights law as established under Title IX without creating a new paperwork requirement on our schools. After all when considering whether high schools are in compliance with this critical civil rights law, it is necessary to know what is actually happening in the schools.

There can be no doubt Title IX has played a role in increasing women's athletic opportunities. However, many argue that the implementation of this law has reduced opportunity for others. While I strongly disagree with such an assessment, I do believe that it is critical that policy makers, parents, coaches, and athletic directors alike have access to precise and timely data to inform the debate and ensure that decisions are based on an accurate picture of interest and participation. Precise information on the participation

levels in high school would assist the enforcement of Title IX on the high school level.

Participation in athletics renders physical benefits as well as important psychological benefits. Studies have shown that values learned from sports participation, such as teamwork, leadership, discipline, and pride in accomplishment, are important lessons for everyone and are especially beneficial as more women participate in business management and ownership positions in ever higher numbers. Certainly it is no coincidence that 80 percent of female managers of Fortune 500 companies have a background in athletics. There are palpable gains generated by participation in athletics, gains which should be as accessible for females as they have been for males for decades.

This legislation compliments current law and in fact would allow us to ensure that the law is being enforced better than we can today. The data regarding the participation of high school students in athletics has been lacking for too long and passage of this legislation would help athletic programs ensure that they are offering equal opportunity for all athletes.

By Mr. DORGAN (for himself, Mr. KERRY, and Ms. SNOWE):

S. 283. A bill to amend the Internal Revenue Code of 1986 to allow tax-free distributions from individual retirement accounts for charitable purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I'm joined by Senators KERRY and SNOWE in re-introducing the Public Good IRA Rollover Act, legislation to allow taxpayers to make tax-free distributions from their individual retirement accounts, IRAs, for gifts to charity.

It is more important than ever to provide support to our nation's charitable organizations. Our struggling economy is placing an enormous financial strain on many charities, severely curtailing their funding at a time when the need for their services is greatest.

I have heard from charities that people frequently ask them about using their IRAs to make charitable donations. However, many donors decide not to make a gift from their IRAs after they are told about the potential tax consequences under current law. Our IRA charitable rollover legislation would eliminate this concern. This single change to the Tax Code could put billions of additional dollars from a new source to work for the public good. A Salvation Army official once said that providing for IRA charitable rollovers ''would be the single most important piece of legislation in the history of public charitable support in this country.''

Over the years, a number of legislative proposals have been discussed in Congress to increase charitable giving. In his Fiscal Year 2004 budget, President Bush has proposed a substantial package of tax incentives to encourage charitable giving, including a proposal to allow individuals to make certain tax-free charitable IRA distributions after age 65.

The President's charitable IRA proposal has a lot of merit, but the Public Good IRA Rollover Act is superior in an important respect: by allowing tax-free life-income gifts from an IRA. Life-income gifts involve the donation of assets to a charity, where the giver retains an income stream from those assets for a defined period. Life-income gifts are an important tool for charities to raise much needed funds, and would receive a substantial boost if they could be made from IRAs, but they are wholly ignored in the Administration's proposal. Under our proposed Public Good IRA Rollover Act, individuals would be allowed to make tax-free charitable life-income gifts at the age of 59½. Similar provisions were added to a major charitable tax incentive bill reported by the Senate Finance Committee last year, but were not ultimately enacted.

As the Finance Committee begins anew to consider a charitable giving tax incentive package in the near future, I urge them to adopt once again the IRA charitable rollover approach used in the Public Good IRA Rollover Act, instead of the approach recently outlined in the President's budget.

The benefits of our approach are twofold. First, the life-income gift provision in our legislation would stimulate additional charitable giving. In addition, people who make life-income gifts often become more involved with charities. They serve as volunteers, urge their friends and colleagues to make charitable gifts and frequently set up additional provisions for charity in their life-time giving plans and at death. Second, this approach comes at no extra cost to the government when compared to other major charitable IRA rollover proposals.

So I urge my colleagues to consider the Public Good IRA Rollover Act, as we undertake efforts in the Senate to craft a charitable giving tax incentives bill. As I mentioned at the outset, in these trying times we ought to do everything we can to encourage charitable giving. Let us remember the old adage that ''we make a living by what we get, but we make a life by what we give.''

By Mr. MCCAIN:

S. 284. A bill to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and the Foreign Service in determining the exclusion of gain from the sale of a principal residence; to the Committee on Finance.

Mr. MCCAIN. Mr. President, I am proud to sponsor the Military Home Owners Equity Act of 2003, S. 284. This is important legislation which I have been privileged to introduce in the Senate during previous Congresses. This legislation would allow members of the Uniformed Services, who are away on extended active duty, to qualify for the same tax relief on the profit generated when they sell their main residence as other Americans. I am pleased to announce that Secretary of State Colin Powell fully supports this legislation and this legislation enjoys overwhelming support by the senior uniformed leadership, the Joint Chiefs of Staff, as well as the Office of Management and Budget Director Mitch Daniels, the 31-member associations of the Military Coalition, the American Foreign Service Association, and the American Bar Association.

The average American participates in our Nation's growth through home ownership. Appreciation in the value of a home allows everyday Americans to participate in our country's prosperity. Fortunately, the Taxpayer Relief Act of 1997 recognized this and provided this break to lessen the amount of tax most Americans will pay on the profit they make when they sell their homes. Unfortunately, the 1997 home sale provision unintentionally discourages home ownership among members of the Uniformed and Foreign Services.

This bill will not create a new tax benefit; it merely modifies current law to include the time members of the Uniformed Services are away from home on active duty when calculating the number of years the homeowners has lived in their primary residence. In short, this bill is narrowly tailored to remedy a specific dilemma.

The Taxpayer Relief Act of 1997 delivered sweeping tax relief to millions of Americans through a wide variety of important tax changes that affect individuals, families, investors and businesses. It was also one of the most complex tax laws enacted in recent history.

As with any complex legislation, there are winners and losers. But in this instance, there are unintended losers: members of the Uniformed and Foreign Services.

The 1997 act gives taxpayers who sell their principal residence a much-needed tax break. Prior to the 1997 act, taxpayers received a one-time exclusion on the profit they made when they sold their principal residence, but the taxpayer had to be at least 55 years old and live in the residence for 2 of the 5 years preceding the sale. This provision primarily benefitted elderly taxpayers, while not providing any relief to younger taxpayers and their families.

Fortunately, the 1997 act addressed this issue. Under this law, taxpayers who sell their principal residence on or after May 7, 1997, are not taxed on the first $250,000 of profit from the sale, joint filers are not taxed on the first $500,000 of profit they make from selling their principal residence. The taxpayers must meet two requirements to qualify for this tax relief. The taxpayer must one, own the home for at least 2 of the 5 years preceding the sale, and two, live in the home as their main home for at least 2 years of the last 5 years.

I applaud the bipartisan cooperation that resulted in this much-needed form of tax relief. The home sales provision sounds great, and it is. Unfortunately,the second part of this eligibility test unintentionally and unfairly prohibits many of the women and men who serve this country overseas from qualifying for this beneficial tax relief.

Constant travel across the United States and abroad is inherent in the Uniformed and Foreign Services. Nonetheless, some members of these Services choose to purchase a home in a certain locale, even though they will not live there much of the time. Under the new law, if they do not have a spouse who resides in the house during their absence, they will not qualify for the full benefit of the new home sales provision, because no one ''lives'' in the home for the required period of time. The law is prejudiced against families that serve our Nation abroad. They would not qualify for the home sales exclusion because neither spouse ''live'' in the house for enough time to qualify for the exclusion.

This bill simply remedies an inequality in the 1997 law. The bill amends the Internal Revenue Code so that members of the Uniformed and Foreign Services will be considered to be using their house as their main residence for any period that they are assigned overseas in the execution of their duties. In short, they will be deemed to be using their house as their main home, even if they are stationed in Bosnia, the Persian Gulf, in the ''no man's land,'' commonly called the DMZ between North and South Korea, or anywhere else they are assigned.

In the wake of September 11, our Armed Forces are now deployed to an unprecedented number of locations. They are away from their primary homes, protecting and furthering the freedoms we Americans hold so dear. We cannot afford to discourage military service by penalizing military personnel with higher taxes merely because they are doing their job. Military service entails sacrifice, such as long periods of time away from friends and family and the constant threat of mobilization into hostile territory. We must not use the tax code to heap additional burdens upon our women and men in uniform.

In my view, the way to decrease the likelihood of further inequalities in the tax code, intentional or otherwise, is to adopt a fairer, flatter tax system that is far less complicated than our current system. But, in the meantime, we must insure the Tax Code is as fair and equitable as possible.

The Taxpayers' Relief Act of 1997 was designed to provide sweeping tax relief to all Americans, including those who serve this country abroad. Yes, it is true that there are winners and losers in any tax code, but, this inequity was unintended. Enacting this narrowly tailored remedy to grant equal tax relief to the members of our Uniformed and Foreign Services restores fairness and consistency to our increasingly complex Tax Code.

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. 284

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

SECTION 1. EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY A MEMBER OF THE UNIFORMED SERVICES OR THE FOREIGN SERVICE.

(a) IN GENERAL.—Subsection (d) of section 121 of the Internal Revenue Code of 1986 (relating to exclusion of gain from sale of principal residence) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

''(9) MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE.—

''(A) IN GENERAL.—At the election of an individual with respect to a property, the running of the 5-year period described in subsections (a) and (c)(1)(B) and paragraph (7) of this subsection with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving on qualified official extended duty as a member of the uniformed services or of the Foreign Service of the United States.

''(B) MAXIMUM PERIOD OF SUSPENSION.—The 5-year period described in subsection (a) shall not be extended more than 10 years by reason of subparagraph (A).

''(C) QUALIFIED OFFICIAL EXTENDED DUTY.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified official extended duty' means any extended duty while serving at a duty station which is at least 50 miles from such property or while residing under Government orders in Government quarters.

''(ii) UNIFORMED SERVICES.—The term 'uniformed services' has the meaning given such term by section 101(a)(5) of title 10, United States Code, as in effect on the date of the enactment of this paragraph.

''(iii) FOREIGN SERVICE OF THE UNITED STATES.—The term 'member of the Foreign Service of the United States' has the meaning given the term 'member of the Service' by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980, as in effect on the date of the enactment of this paragraph.

''(iv) EXTENDED DUTY.—The term 'extended duty' means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

''(D) SPECIAL RULES RELATING TO ELECTION.—

''(i) ELECTION LIMITED TO 1 PROPERTY AT A TIME.—An election under subparagraph (A) with respect to any property may not be made if such an election is in effect with respect to any other property.

''(ii) REVOCATION OF ELECTION.—An election under subparagraph (A) may be revoked at any time.''.

(b) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 312 of the Taxpayer Relief Act of 1997.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendments made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

By Mr. CAMPBELL:

S. 285. A bill to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am pleased to be joined by Senator INOUYE in re-introducing legislation to assist Indian tribes to fight the scourge of alcohol, drug and associated mental health problems in their communities.

Native Americans continue to be plagued by chronic alcohol and drug addictions which destroy their bodies and souls and inevitably require mental health treatment as well.

There are a good number of Federal agencies involved in treating these problems and, through no fault of their own, agency efforts are often un-coordinated and ineffective as a result.

Relying on models that are proven winners, the ''Native American Alcohol and Substance Abuse Program Consolidation Act of 2003'' authorizes Indian tribes and tribal consortia to string together these disparate programs and services and bring them together in one comprehensive and coordinated package.

In addition to achieving economies of scale in these Federal services, the bill would also encourage the use of automated clinical information systems and bring to bear state-of-the-art diagnostic and treatment tools

The two main themes of this bill, better use of resources combined with technological innovations have proven successful in other areas like Indian job training.

Just this week, Health and Human Services Secretary Thompson launched a new effort aimed at combating chronic health problems in minority communities.

Substance abuse and diabetes are included in Secretary Thompson's effort and this bill would go a long way in assisting Federal and tribal governments in that battle.

The mechanics of this bill are also consistent with the broad contours of the President's Management Agenda, increasing the effectiveness of Federal services without increasing the budget.

For these reasons, I am hopeful the bill will be well received by the Administration and the tribes so that it can be considered speedily in the weeks ahead.

I urge my colleagues to join me in supporting this important initiative and ask unanimous consent to have the text of the bill printed in the RECORD.

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

S. 285

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 ''Native American Alcohol and Substance Abuse Program Consolidation Act of 2003''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to enable Indian tribes to consolidate and integrate alcohol and other substance abuse prevention, diagnosis, and treatment programs, and mental health and related programs, to provide unified and more effective and efficient services to Indians afflicted with mental health, alcohol, or other substance abuse problems;

(2) to recognize that Indian tribes can best determine the goals and methods for establishing and implementing prevention, diagnosis, and treatment programs for their communities, consistent with the policy of self-determination;

(3) to encourage and facilitate the implementation of an automated clinical information system to complement the Indian health care delivery system;

(4) to authorize the use of Federal funds to purchase, lease, license, or provide training for technology for an automated clinical information system that incorporates clinical, financial, and reporting capabilities for Indian behavioral health care programs;

(5) to encourage quality assurance policies and procedures, and empower Indian tribes through training and use of technology, to significantly enhance the delivery of, and treatment results from, Indian behavioral health care programs;

(6) to assist Indian tribes in maximizing use of public, tribal, human, and financial resources in developing effective, understandable, and meaningful practices under Indian behavioral health care programs; and

(7) to encourage and facilitate timely and effective analysis and evaluation of Indian behavioral health care programs.

SEC. 3. DEFINITIONS.

In this Act:

(1) AUTOMATED CLINICAL INFORMATION SYSTEM.—The term ''automated clinical information system'' means an automated computer software system that can be used to manage clinical, financial, and reporting information for Indian behavioral health care programs.

(2) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given the term ''agency'' in section 551 of title 5, United States Code.

(3) INDIAN.—The term ''Indian'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(4) INDIAN BEHAVIORAL HEALTH CARE PROGRAM.—The term ''Indian behavioral health care program'' means a federally funded program, for the benefit of Indians, to prevent, diagnose, or treat, or enhance the ability to prevent, diagnose, or treat—

(A) mental health problems; or

(B) alcohol or other substance abuse problems.

(5) INDIAN TRIBE.—

(A) IN GENERAL.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450b).

(B) INCLUSIONS.—The term ''Indian tribe'', in a case in which an intertribal consortium, tribal organization, or Indian health center is authorized to carry out 1 or more programs, services, functions, or activities of an Indian tribe under this Act, includes the intertribal consortium, tribal organization, or Indian health center.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(7) SUBSTANCE ABUSE.—The term ''substance abuse'' includes—

(A) the illegal use or abuse of a drug or an inhalant; and

(B) the abuse of tobacco or a related product.

SEC. 4. PLANS.

The Secretary, in cooperation with the Secretary of Labor, the Secretary of the Interior, the Secretary of Education, the Secretary of Housing and Urban Development, the Attorney General, and the Secretary of Transportation, as appropriate, shall, on receipt of a plan acceptable to the Secretary that is submitted by an Indian tribe, authorize the Indian tribe to carry out a demonstration project to coordinate, in accordance with the plan, the Indian behavioral health care programs of the Indian tribe in a manner that integrates the program services into a single, coordinated, comprehensive program that uses, to the extent necessary, an automated clinical information system to better manage administrative and clinical services, costs, and reporting requirements through the consolidation and integration of administrative and clinical functions.

SEC. 5. PROGRAMS AFFECTED.

Programs that may be integrated in a demonstration project described in section 4) are—

(1) an Indian behavioral health care program under which an Indian tribe is eligible for the receipt of funds under a statutory or administrative formula;

(2) an Indian behavioral health care program under which an Indian tribe is eligible for receipt of funds through competitive or other grants, if—

(A)(i) the Indian tribe provides notice to the appropriate agency regarding the intentions of the Indian tribe to include the Indian behavioral health care program in the plan that the Indian tribe submits to the Secretary; and

(ii) the agency consents to the inclusion of the grant in the plan; or

(B)(i) the Indian tribe elects to include the Indian behavioral health care program in the plan; and

(ii) the administrative requirements contained in the plan are essentially the same as the administrative requirements applicable to a grant under the Indian behavioral health care program; and

(3) an Indian behavioral health care program under which an Indian tribe is eligible to receive funds under any other funding scheme.

SEC. 6. PLAN REQUIREMENTS.

A plan of an Indian tribe submitted under section 4 shall—

(1) identify the programs to be integrated;

(2) be consistent with this Act;

(3) describe a comprehensive strategy that—

(A) identifies the full range of existing and potential alcohol and substance abuse and mental health treatment and prevention programs available on and near the service area of the Indian tribe; and

(B) may include site and technology assessments and any necessary computer hardware installation and support;

(4) describe the manner in which services are to be integrated and delivered and the results expected under the plan (including, if implemented, the manner and expected results of implementation of an automated clinical information system);

(5) identify the projected expenditures under the plan in a single budget;

(6) identify the agency or agencies in the Indian tribe to be involved in the delivery of the services integrated under the plan;

(7) identify any statutory provisions, regulations, policies, or procedures that the Indian tribe requests be waived in order to implement the plan; and

(8) be approved by the governing body of the Indian tribe.

SEC. 7. PLAN REVIEW.

(a) CONSULTATION.—On receipt of a plan from an Indian tribe under section 4, the Secretary shall consult with—

(1) the head of each Federal agency providing funds to be used to implement the plan; and

(2) the Indian tribe.

(b) IDENTIFICATION OF WAIVERS.—Each party consulting on the implementation of a plan under section 4 shall identify any waivers of statutory requirements or of Federal agency regulations, policies, or procedures that the party determines to be necessary to enable the Indian tribe to implement the plan.

(c) WAIVERS.—Notwithstanding any other provision of law, the head of a Federal agency may waive any statutory requirement, regulation, policy, or procedure promulgated by the Federal agency is identified by the Indian tribe or the Federal agency under subsection (b) unless the head of the affected Federal agency determines that a waiver is inconsistent with—

(1) this Act;

(2) any statutory requirement applicable to the program to be integrated under the plan that is specifically applicable to Indian programs; and

(3) any underlying statutory objective or purpose of a program to be consolidated under the plan, to such a degree as would render ineffectual activities funded under the program.

SEC. 8. PLAN APPROVAL.

(a) IN GENERAL.—Not later than 90 days after the date of receipt by the Secretary of a plan under section 4, the Secretary shall inform the Indian tribe that submitted the plan, in writing, of the approval or disapproval of the plan (including any request for a waiver that is made as part of the plan).

(b) DISAPPROVAL.—

(1) IN GENERAL.—The Secretary may disapprove a plan if—

(A) the plan does not provide sufficient information for the Secretary to adequately review the plan for compliance with this Act;

(B) the plan does not comply with this Act;

(C) the plan provides for the purchase, lease, license, or training for, an automated clinical information system, but the purchase, lease, license, or training would require aggregate expenditures of program funding at such a level as would render other program substantially ineffectual; or

(D)(i) the plan identifies waivers that cannot be waived under section 7(c); and

(ii) the plan would be rendered substantially ineffectual without the waivers.

(2) NOTICE.—If a plan is disapproved under subsection (a), the Secretary shall—

(A) inform the Indian tribe, in writing, of the reasons for the disapproval; and

(B) provide the Indian tribe an opportunity—

(i) to amend and resubmit the plan; or

(ii) to petition the Secretary to reconsider the disapproval (including reconsidering the disapproval of any waiver requested by the Indian tribe).

SEC. 9. USE OF FUNDS FOR TECHNOLOGY.

Notwithstanding any requirement applicable to an Indian behavioral health care program of an Indian tribe that is integrated under a demonstration project described in section 4, the Indian tribe may use funds made available under the program to purchase, lease, license, or provide training for technology for an automated clinical information system if the purchase, lease, licensing of, or provision of training is conducted in accordance with a plan approved by the Secretary under section 8.

SEC. 10. FEDERAL RESPONSIBILITIES.

(a) RESPONSIBILITIES OF THE INDIAN HEALTH SERVICE.—

(1) MEMORANDUM OF UNDERSTANDING.—Not later than 180 days after the date of enactment of this Act, the Secretary, the Secretary of the Interior, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Attorney General, and the Secretary of Transportation shall enter into a memorandum of agreement providing for the implementation of the plans approved under section 8.

(2) LEAD AGENCY.—The lead agency under this Act shall be the Indian Health Service.

(3) RESPONSIBILITIES.—The responsibilities of the lead agency under this Act shall include—

(A) the development of a single reporting format—

(i) relating to each plan for a demonstration project submitted under section 4, which shall be used by an Indian tribe to report activities carried out under the plan; and

(ii) relating to the projected expenditures for the individual plan, which shall be used by an Indian tribe to report all plan expenditures;

(B) the development of a single system of Federal oversight for the plan, which shall be implemented by the lead agency;

(C) the provision of, or arrangement for provision of, technical assistance to an Indian tribe that is appropriate to support and implement the plan, delivered under an arrangement subject to the approval of the Indian tribe participating in the project (except that an Indian tribe shall have the authority to accept or reject the plan for providing the technical assistance and the technical assistance provider); and

(D) the convening by an appropriate official of the lead agency (who shall be an official appointed by and with the advice and consent of the Senate) and a representative of the Indian tribes that carry out projects under this Act, in consultation with each of the Indian tribes that participate in projects under this Act, of a meeting at least twice during each fiscal year, for the purpose of providing an opportunity for all Indian tribes that carry out projects under this Act to discuss issues relating to the implementation of this Act with officials of each agency specified in paragraph (1).

(b) REPORT REQUIREMENTS.—

(1) IN GENERAL.—The single reporting formats described in subsection (a)(3)(A) shall be developed by the Secretary in accordance with this Act.

(2) INFORMATION.—The single reporting format, together with records maintained on the consolidated program at the tribal level, shall contain such information as the Secretary determines will—

(A) allow the Secretary to determine whether the Indian tribe has complied with the requirements incorporated in the approved plan of the Indian tribe; and

(2) provide assurances to the Secretary that the Indian tribe has complied with all—

(A) applicable statutory requirements; and

(B) applicable regulatory requirements that have not been waived.

SEC. 11. NO REDUCTION IN AMOUNTS.

In no case shall the amount of Federal funds available to an Indian tribe involved in any project under this Act be reduced as a result of the enactment of this Act.

SEC. 12. INTERAGENCY FUND TRANSFERS.

The Secretary, the Secretary of the Interior, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Attorney General, or the Secretary of Transportation, as appropriate, may take such action as is necessary to provide for the interagency transfer of funds otherwise available to an Indian tribe in order to carry out this Act.

SEC. 13. ADMINISTRATION OF FUNDS; EXCESS FUNDS.

(a) ADMINISTRATION OF FUNDS.—

(1) IN GENERAL.—Program funds shall be administered under this Act in such a manner as to allow for a determination by the Secretary that funds made available for specific programs (or an amount equal to the amount used from each program) are expended on activities authorized under the program.

(2) SEPARATE RECORDS NOT REQUIRED.—Nothing in this section requires an Indian tribe—

(A) to maintain separate records tracing any service provided or activity conducted under the approved plan of the Indian tribe to the individual programs under which funds were authorized; or

(B) to allocate expenditures among individual programs.

(b) EXCESS FUNDS.—With respect to administrative costs of carrying out the approved plan of an Indian tribe under this Act—

(1) all administrative costs under the approved plan may be commingled;

(2) an Indian tribe that carries out a demonstration program under such an approved plan shall be entitled to receive reimbursement for the full amount of those costs in accordance with regulations of each program or department; and

(3) if the Indian tribe, after paying administrative costs associated with carrying out the approved plans, realizes excess administrative funds, those funds shall not be counted for Federal audit purposes if the excess funds are used for the purposes provided for under this Act.

SEC. 14. FISCAL ACCOUNTABILITY.

Nothing in this Act affects the authority of the Secretary or the lead agency to safeguard Federal funds in accordance with chapter 75 of title 31, United States Code.

SEC. 15. REPORT ON STATUTORY AND OTHER BARRIERS TO INTEGRATION.

(a) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives a preliminary report that describes the implementation of this Act.

(b) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives a final report that—

(1) describes the results of implementation of this Act; and

(2) identifies statutory barriers to the ability of Indian tribes to integrate more effectively alcohol and substance abuse services in a manner consistent with this Act.

SEC. 16. ASSIGNMENT OF FEDERAL PERSONNEL TO STATE INDIAN ALCOHOL AND DRUG TREATMENT OR MENTAL HEALTH PROGRAMS.

Any State with an alcohol and substance abuse or mental health program targeted toward Indian tribes shall be eligible to receive, at no cost to the State, such Federal personnel assignments as the Secretary, in accordance with the applicable provisions of subchapter IV of chapter 33 of title 5, United States Code, determines to be appropriate to help ensure the success of the program.

By Mr. BOND (for himself, Mr. DODD, Mr. FRIST, and Mr. KENNEDY):

S. 286. A bill to revise and extend the Birth Defects Prevention Act of 1998; to the Committee on Health, Education, Labor, and Pensions.

Mr. BOND. Mr. President, I rise today to introduce the Birth Defects and Developmental Disabilities Prevention Act. It is a pleasure to work, once again, on this important issue with Senators DODD, FRIST and KENNEDY.

My interest in birth defects prevention began while I was Governor. As Governor I had secured dollars to fund the neonate care units at our hospitals in Missouri. These remarkable institutions and the dedicated men and women who serve there do a tremendous job of saving low birth weight babies and babies with severe birth defects.

As I visited those hospitals and held those tiny babies, the doctors and nurses who staffed these units asked me, ''Why don't we do something to reduce the incidents of birth defects and the problems that bring the tiniest of infants to these very high-tech, specialized care units.''

Since I became a Senator I have been working with colleagues on both sides of the aisle and with the March of Dimes to deal with this serious and compelling health problem facing America.

Many people are not aware that birth defects affect over 3 percent of all births in America, and they are the leading cause of infant death. This year alone, an estimated 150,000 babies will be born with a birth defect. Among the babies who survive, birth defects often result in lifelong disability. Medical care, special education, and may other services are often required into adulthood, costing families thousands of dollars each year.

In 1998, Congress finally passed a bill I had sponsored for 3 previous sessions, the Birth Defects Prevention Act, which created a federal birth defects prevention and surveillance strategy. That was followed by the Children's Health Act of 2000, which established the National Center on Birth Defects and Developmental Disabilities at CDC. With these two important pieces of legislation Congress recognized that birth defects and developmental disabilities are major threats to children's health.

The Birth Defects and Developmental Disabilities Prevention Act revises and extends the Birth Defects Prevention Act of 1998. This bill is straightforward and has the support of the March of Dimes, Spina Bifida Association of America, the Autism Society of America, and the Coalition for Children's health among others. It: (1) Reauthorizes the National Center on Birth Defects and Developmental Disabilities for 5 years; (2) makes several technical amendments to ensure that the full scope of activities conducted by the center are included in statute; (3) authorizes CDC to collect data from educational records that are necessary to conduct surveillance on developmental disabilities—including autism—while

protecting the privacy of individuals and their families; (4) authorizes CDC to support a National Spina Bifida Program to promote prevention and enhance the quality of life of those living with Spina Bifida; (5) authorizes CDC to conduct research and programs on the prevention of secondary conditions and the promotion of health and wellness in individuals living with disabilities; and (6) finally, the bill transfers certain members of the Advisory Committee to the Director of the National Center for Environmental Health who have expertise in birth defects, developmental disabilities and disabilities and health to the National Center on Birth Defects and Developmental Disabilities.

We have come a long way in the past 5 years toward preventing certain birth defects and developmental disabilities, but we face many challenges ahead. There is still much work to be done to improve the health of all Americans by preventing birth defects and developmental disabilities in children, promoting optimal child development and ensuring health and wellness among children and adults living with disabilities.

Today, with the introduction of this bill we have the opportunity to renew our commitment to birth defects prevention and to improve the quality of life of those living with disabilities. I look forward to working with my colleagues to ensure and enhance the well-being of our Nation's children.

Mr. FRIST. Mr. President, I am pleased to join Senator BOND in reintroducing the Birth Defects and Developmental Disabilities Prevention Act of 2003. This bill reauthorizes the National Center on Birth Defects and Developmental Disabilities, NCBDD, at the Centers for Disease Control and Prevention to promote optimal fetal, infant, and child development and prevent birth defects and childhood developmental disabilities.

Birth defects are the leading cause of infant mortality in the United States, accounting for more than 20 percent of all infant deaths. Of the 150,000 babies born with a birth defect in the United States each year, 8,000 will die during their first year of life. In addition, birth defects are the fifth-leading cause of years of potential life lost and contribute substantially to childhood morbidity and long-term disability.

Congress passed the Birth Defects Prevention Act in 1998, a bill to assist States in developing, implementing, or expanding community-based birth defects tracking systems, programs to prevent birth defects, and activities to improve access to health services for children with birth defects. The authorization for this important legislation expires at the end of this year, and the legislation we are introducing today will strengthen those important programs.

In order to educate health professionals and the general public, this legislation requires NCBDD to provide information on the incidence and prevalence of individuals living with birth defects and disabilities, any health disparities, experienced by such individuals, and recommendations for improving the health and wellness and quality of life of such individuals. The Clearinghouse will also contain a summary of recommendations from all birth defects research conferences sponsored by the agency including conferences related to spina bifida.

This legislation also clarifies advisory committees, already in existence, that have expertise in birth defects, developmental disabilities, and disabilities and health will be transferred to the National Center on Birth Defects.

This piece of legislation also supports a National Spina Bifida Program to prevent and reduce suffering from the nation's most common permanently disabling birth defect.

I ask that this piece of important legislation be reauthorized. I want to thank my colleagues, Senator BOND and others, for the introduction of this initial piece of legislation in 1998 and for their continued initiatives on birth defects and developmental disabilities.

By Mr. LEAHY (for himself, Mr. BENNETT, Mr. BINGAMAN, Mr. COCHRAN, Mr. DASCHLE, Mr. DURBIN, Mr. GRAHAM of Florida, Mr. KENNEDY, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. WARNER, Ms. CANTWELL, Mr. JEFFORDS, Mr. JOHNSON, and Mr. KERRY):

S. 287. A bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

Mr. LEAHY. Mr. President, I rise today with Senator BENNETT to introduce the ''Artist-Museum Partnership Act of 2003.'' Our bipartisan legislation will enable our country to keep cherished art works in the United States and to preserve them in our public institutions, while erasing an inequity in our tax code that currently serves as a disincentive for artists to donate their works to museums and libraries. This is the same bill we introduced the past two Congresses. It was also included in the Senate-passed version of the President's 2001 tax cut bill and in the Finance Committee's version of the Charity Aid, Recovery, and Empowerment, CARE, Act. I would like to thank Senators BINGAMAN, COCHRAN, DASCHLE, DURBIN, GRAHAM of Florida, KENNEDY, LIEBERMAN, LINCOLN, and WARNER for cosponsoring this bipartisan bill.

Our bill is sensible and straightforward. It would allow artists, writers, and composers who donate works to museums and libraries to take a tax deduction equal to the fair market value of the work. This is something that collectors who make similar donations are already able to do. If we as a Nation want to ensure that art works created by living artists are available to the public in the future, for study or for pleasure, this is something that artists should be allowed to do as well. Under current law, artists who donate self-created works are only able to deduct the cost of supplies such as canvas, pen, paper and ink, which does not even come close to their true value. This is unfair to artists and it hurts museums and libraries, large and small, that are dedicated to preserving works for posterity.

In my State of Vermont, we are incredibly proud of the great works produced by hundreds of local artists who choose to live and work in the Green Mountain State. Displaying their creations in museums and libraries helps develop a sense of pride among Vermonters and strengthens a bond with Vermont, its landscape, its beauty and its cultural heritage. Anyone who has contemplated a painting in a museum or examined an original manuscript or composition, and has gained a greater understanding of both the artist and the subject as a result, knows the tremendous value of these works. I would like to see more of them, not fewer, preserved in Vermont and across the country.

Prior to 1969, artists and collectors alike were able to take a deduction equivalent to the fair market value of a work, but Congress changed the law with respect to artists in the Tax Reform Act of 1969. Since then, fewer and fewer artists have donated their works to museums and cultural institutions. The sharp decline in donations to the Library of Congress clearly illustrates this point. Until 1969, the Library of Congress received 15 to 20 large gifts of manuscripts from authors each year. In the four years following the elimination of the deduction, the Library received only one such gift. Instead, many of these works have been sold to private collectors and are no longer available to the general public.

For example, prior to the enactment of the 1969 law, Igor Stravinsky planned to donate his papers to the Music Division of the Library of Congress. But after the law passed, his papers were sold instead to a private foundation in Switzerland. We can no longer afford this massive loss to our cultural heritage. These losses are an unintended consequence of the tax bill that should now be corrected.

More than 30 years ago, Congress changed the law for artists in response to the perception that some taxpayers were taking advantage of the law by inflating the market value of self-created works. Since that time, however, the government has cut down significantly on the abuse of fair market value determinations. Under this legislation, artists who donate their own paintings, manuscripts, compositions, or scholarly compositions, would be subject to the same new rules that all taxpayer/collectors who donate such works must now follow. This includes providing relevant information as to

the value of the gift, providing appraisals by qualified appraisers, and, in some cases, subjecting them to review by the Internal Revenue Service's Art Advisory Panel.

In addition, donated works must be accepted by museums and libraries, which often have strict criteria in place for works they intend to display. The institution must certify that it intends to put the work to a use that is related to the institution's tax exempt status. For example, a painting contributed to an educational institution must be used by that organization for educational purposes. It could not be sold by the institution for profit. Similarly, a work could not be donated to a hospital or other charitable institution that did not intend to use the work in a manner related to the function constituting the donee's exemption under Section 501 of the tax code. Finally, the fair market value of the work could only be deducted from the portion of the artist's income that has come from the sale of similar works, or related activities.

This bill would also correct another disparity in the tax treatment of self-created works, how the same work is treated before and after an artist's death. While living artists may only deduct the material costs of donations, donations of those same works after death are deductible from estate taxes at the fair market value of the work. In addition, when an artist dies, works that are part of his or her estate are taxed on the fair market value.

Last Congress, the Joint Committee on Taxation estimated that our bill would cost $50 million over 10 years. This is a moderate price to pay for our education and the preservation of our cultural heritage.

I want to thank my colleagues again for cosponsoring this bipartisan legislation. The time has come for us to correct an unintended consequence of the 1969 law and encourage rather than discourage the donations of art works by their creators. This bill could, and I believe would, make a critical difference in an artist's decision to donate his or her work, rather than sell it to a private party, where it may become lost to the public forever.

Mr. BENNETT. Mr. President, I am proud to join the Senator from Vermont today to introduce the Artist-Museum Partnership Act. He and I have introduced this legislation in the past, and we hope that our colleagues will see this bill for what it is: a reasonable solution to an unintentional inequity in our tax code.

This legislation would allow living artists to deduct the fair-market value of their art work when they contribute their work to museums or other public institutions. As the tax code is currently written, art collectors are able to deduct the fair market value of any piece of art they donate to a museum. However, if the artist who created that same piece of work were to donate it, he or she would only be able to deduct the material cost of the work, which may be nothing more than a canvas, a tube of paint, and a wooden frame. Thus, there exists a disincentive for artists to donate their work to museums. The solution is simple: treat collectors and artists the same way. This bill would do just that.

Certainly, this bill would benefit artists, but more importantly, the beneficiaries would be the museums that would receive the art work and the general public who would be able to view it in a timely manner. This change in the tax code would increase the number of original pieces donated to public institutions, giving scholars greater access to an artist's work during the lifetime of that artist, as well as provide for an increase in the public display of such work.

I would like to thank Senator LEAHY for his work on this bill. I urge my colleagues to support this common-sense legislation. The fiscal impact of the Artist-Museum Partnership Act on the Federal budget would be minimal, but the benefit to our nation's cultural and artistic heritage cannot be overstated. This minor correction to the tax code is long overdue, and the Senate should act on this legislation to remedy the problem.

By Mr. CAMPBELL:

S. 288. A bill to encourage contracting by Indians and Indian tribes for the management of Federal land, and for other purposes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, as I did last session, I am again pleased to introduce the ''Indian Tribal Contracting and Federal Lands Management Demonstration Project Act'' to expand the highly-successful Indian Self Determination and Education Assistance Act of 1975 and to bring Native knowledge, values and sensitivity to the management of our Federal lands.

I want to emphasize that this initiative is a starting point for a broader discussion about whether Federal law sufficiently protects sacred Indian places that are located on Federal lands.

Americans react viscerally when lands and sites held sacred are threatened. Whether the site in question is the Little Bighorn Battlefield in Montana; the American Cemetery at Omaha Beach in Normandy, France; or religious and ceremonial sites held dear by Native people.

Twenty-five years ago Congress passed the American Indian Religious Freedom Act which declared that it is ''the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.''

A series of hearings held by the Committee on Indian Affairs over the past two years revealed that the AIRFA policy remains aspirational and the goals of that Act have not been realized.

The clashes between economic and cultural interests will also sharpen as our nation's needs for economic activities, such as logging, energy and mining, increases.

In 1970, President Nixon's Special Message to Congress on Indian Affairs changed forever Federal Indian law and policy. The President also signed into law legislation transferring the sacred Blue Lake lands back to the Pueblo of Taos. These two events set the stage for both the Indian Self Determination and Education Assistance Act, 1975, as well as the AIRFA, 1978.

The legislation I am re-introducing today will build on these precedents by setting up a Demonstration Project to expand opportunities for Native contracting on Federal lands. One goal of this bill is to bring to bear the knowledge and sensitivity of Native people to activities that are currently being carried out by Federal agencies.

Under the bill, the Secretary of the Interior would select up to 12 tribes or tribal organizations per year to provide archaeological, anthropological, ethnographic and cultural surveys and analysis; land management planning; and activities related to the identification, maintenance, or protection of lands considered to have religious, ceremonial or cultural significance to Indian tribes.

I urge my colleagues to join me in supporting this measure.

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

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

S. 288

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

SECTION. 1. SHORT TITLE.

This Act may be cited as the ''Indian Contracting and Federal Land Management Demonstration Project Act''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to expand the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) to increase Indian employment and income through greater contracting opportunities with the Federal Government;

(2) to encourage contracting by Indians and Indian tribes with respect to management of Federal land—

(A) to realize the benefit of Indian knowledge and expertise with respect to the land; and

(B) to promote innovative management strategies on Federal land that will result in greater sensitivity toward, and respect for, religious beliefs and sacred sites of Indians and Indian tribes;

(3) to better accommodate access to and ceremonial use of Indian sacred land by Indian religious practitioners; and

(4) to prevent significant damage to Indian sacred land.

SEC. 3. TRIBAL PROCUREMENT CONTRACTING AND RESERVATION DEVELOPMENT.

Section 7 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) is amended by adding at the end the following:

''(d) TRIBAL PROCUREMENT CONTRACTING AND RESERVATION DEVELOPMENT.—

''(1) IN GENERAL.—Subject to paragraph (2), on request by and application of an Indian tribe to provide certain services or deliverables that the Secretary of the Interior would otherwise procure from a private-sector entity (referred to in this subsection as an 'applicant tribe'), and absent a request made by 1 or more Indian tribes that would receive a direct benefit from those services or deliverables to enter into contracts for those services or deliverables in accordance with section 102 (referred to in this subsection as a 'beneficiary tribe'), the Secretary of the Interior shall enter into contracts for those services or deliverables with the applicant tribe in accordance with section 102.

''(2) ASSURANCES.—An applicant tribe shall provide the Secretary of the Interior with assurances that the principal beneficiary tribes that receive the services and deliverables for which the applicant tribe has entered into a contract with the Secretary of the Interior remain the Indian tribes originally intended to benefit from the services or deliverables.

''(3) RIGHTS AND PRIVILEGES.—For the purpose of this subsection, an applicant tribe shall enjoy, at a minimum, the same rights and privileges under this Act as would a beneficiary tribe if the beneficiary tribe exercised rights to enter into a contract relating to services or deliverables in accordance with section 102.

''(4) NOTICE OF DESIRE TO CONTRACT.—If a beneficiary tribe seeks to enter into a contract with the Secretary of the Interior for services or deliverables being provided by an applicant tribe—

''(A) the beneficiary tribe shall immediately provide notice of the desire to enter into a contract for those services and deliverables to the applicant tribe and the Secretary; and

''(B) not later than the date that is 180 days after the date on which the applicant tribe and the Secretary of the Interior receive the notice, the contract between the applicant tribe and the Secretary of the Interior for the services or deliverables shall terminate.''.

SEC. 4. INDIAN AND FEDERAL LAND MANAGEMENT DEMONSTRATION PROJECT.

Section 403 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458cc) is amended by adding at the end the following:

''(m) INDIAN AND FEDERAL LAND MANAGEMENT DEMONSTRATION PROJECT.—

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

''(A) FEDERAL LAND.—

''(i) IN GENERAL.—The term 'Federal land' means any land or interest in or to land owned by the United States.

''(ii) INCLUSION.—The term 'Federal land' includes a leasehold interest held by the United States.

''(iii) EXCLUSION.—The term 'Federal land' does not include land held in trust by the United States for the benefit of an Indian tribe.

''(B) PROJECT.—The term 'project' means the Indian and Federal Land Management Demonstration Project established under paragraph (2).

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

''(2) ESTABLISHMENT.—The Secretary shall establish a demonstration project, to be known as the 'Indian and Federal Land Management Demonstration Project', to enter into contracts with Indian tribes or tribal organizations under which the Indian tribes or tribal organizations shall carry out activities relating to Federal land management, including—

''(A) archaeological, anthropological, and cultural surveys and analyses; and

''(B) activities relating to the identification, maintenance, or protection of land considered to have religious, ceremonial, or cultural significance to the Indian tribe or tribal organization.

''(3) PARTICIPATION.—During each of the 2 fiscal years after the date of enactment of this subsection, the Secretary shall select not less than 12 eligible Indian tribes or tribal organizations to participate in the project.

''(4) ELIGIBILITY.—To be eligible to participate in the project, an Indian tribe or tribal organization, shall—

''(A) request participation by resolution or other official action of the governing body of the Indian tribe or tribal organization;

''(B) with respect to the 3 fiscal years immediately preceding the fiscal year for which participation is requested, demonstrate financial stability and financial management capability by showing that there were no unresolved significant and material audit exceptions in the required annual audit of the self-determination contracts of the Indian tribe or tribal organization;

''(C) demonstrate significant use of or dependency on the relevant conservation system unit or other public land unit for which programs, functions, services, and activities are requested to be placed under contract with respect to the project; and

''(D) before entering into any contract described in paragraph (6), complete a planning phase described in paragraph (5).

''(5) PLANNING PHASE.—Not later than 1 year after the date on which the Secretary selects an Indian tribe or tribal organization to participate in the project, the Indian tribe or tribal organization shall complete, to the satisfaction of the Indian tribe or tribal organization, a planning phase that includes—

''(A) legal and budgetary research; and

''(B) internal tribal planning and organizational preparation.

''(6) CONTRACTS.—

''(A) IN GENERAL.—On request by an Indian tribe or tribal organization that meets the eligibility criteria specified in paragraph (4), the Secretary shall negotiate and enter into a contract with the Indian tribe or tribal organization under which the Indian tribe or tribal organization shall plan, conduct, and administer programs, services, functions, and activities (or portions of programs, services, functions, and activities) requested by the Indian tribe or tribal organization that relate to—

''(i) archaeological, anthropological, and cultural surveys and analyses; and

''(ii) the identification, maintenance, or protection of land considered to have religious, ceremonial, or cultural significance to the Indian tribe or tribal organization.

''(B) TIME LIMITATION FOR NEGOTIATION OF CONTRACTS.—Not later than 90 days after a participating Indian tribe or tribal organization notifies the Secretary of completion by the Indian tribe or tribal organization of the planning phase described in paragraph (5), the Secretary shall initiate and conclude negotiations with respect to a contract described in subparagraph (A) (unless an alternative negotiation and implementation schedule is agreed to by the Secretary and the Indian tribe or tribal organization).

''(C) IMPLEMENTATION.—An Indian tribe or tribal organization that enters into a contract under this paragraph shall begin implementation of the contract—

''(i) not later than October 1 of the fiscal year following the fiscal year in which the Indian tribe or tribal organization completes the planning phase under paragraph (5); or

''(ii) in accordance with an alternative implementation schedule agreed to under subparagraph (B).

''(D) TERM.—A contract entered into under this paragraph may have a term of not to exceed 5 fiscal years, beginning with the fiscal year in which the contract is entered into.

''(E) DECLINATION AND APPEALS PROVISIONS.—The provisions of this Act relating to declination and appeals of contracts, including section 110, shall apply to a contract negotiated under this paragraph.

''(7) ADMINISTRATION OF CONTRACTS.—

''(A) INCLUSION OF CERTAIN TERMS.—

''(i) IN GENERAL.—At the request of an Indian tribe or tribal organization, the benefits, privileges, terms, and conditions of agreements entered into in accordance with this Act, and such other terms and conditions as are mutually agreed to and not otherwise contrary to law, may be included in a contract entered into under paragraph (6).

''(ii) FORCE AND EFFECT.—If any provision of this Act is incorporated in a contract under clause (i), the provision shall—

''(I) have the same force and effect as under this Act; and

''(II) apply notwithstanding any other provision of law.

''(B) AUDIT.—A contract entered into under paragraph (6) shall provide for a single-agency audit report to be filed in accordance with chapter 75 of title 31, United States Code.

''(C) TRANSFER OF EMPLOYEES.—

''(i) IN GENERAL.—A Federal employee employed at the time of transfer of administrative responsibility for a program, service, function, or activity to an Indian tribe or tribal organization under this subsection shall not be separated from Federal service by reason of the transfer.

''(ii) INTERGOVERNMENTAL ACTIONS.—An intergovernmental personnel action may be used to transfer supervision of a Federal employee described in clause (i) to an Indian tribe or tribal organization.

''(iii) TREATMENT OF TRANSFERRED EMPLOYEES.—Notwithstanding any priority reemployment list, directive, rule, regulation, or other order from the Department of the Interior, the Office of Management and Budget, or any other Federal agency, a Federal employee described in clause (i) shall be given priority placement for any available position within the respective agency of the employee.

''(8) FUNDING AND PAYMENTS.—A contract entered into under paragraph (6) shall provide that, with respect to the transfer of administrative responsibility for each program, service, function, and activity covered by the contract—

''(A) for each fiscal year during which the contract is in effect, the Secretary shall provide to the Indian tribe or tribal organization that is a party to the contract funds in an amount that is at least equal to the amount that the Secretary would have otherwise expended in carrying out the program, service, function, or activity for the fiscal year; and

''(B) funds provided to an Indian tribe or tribal organization under subparagraph (A) shall be paid by the Secretary by such date before the beginning of the applicable fiscal year as the Secretary and the Indian tribe or tribal organization may jointly determine, in the form of annual or semiannual installments.

''(9) PLANNING GRANTS.—

''(A) IN GENERAL.—Subject to the availability of appropriations, on application by an Indian tribe or tribal organization that is a participant in the project, the Secretary

shall provide to the Indian tribe or tribal organization a grant in the amount of $100,000 to assist the Indian tribe or tribal organization in—

''(i) completing the planning phase described in paragraph (5); and

''(ii) planning for the contracting of programs, functions, services, and activities in accordance with a contract entered into under paragraph (6).

''(B) NO REQUIREMENT OF GRANT.—An Indian tribe or tribal organization may carry out responsibilities of the Indian tribe or tribal organization described in subparagraph (A) without applying for a grant under this paragraph.

''(C) LIMITATION ON GRANTS.—No Indian tribe or tribal organization may receive more than 1 grant under this paragraph.

''(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph such sums as are necessary for each of the 2 fiscal years following the fiscal year in which this subsection is enacted.

''(10) REPORT.—Not later than 90 days after each of December 31, 2003, and December 31, 2006, the Secretary shall submit to Congress a detailed report on the project, including—

''(A) a description of the project;

''(B) findings with respect to the project; and

''(C) an analysis of the costs and benefits of the project.''.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. MCCAIN, Mr. ROCKEFELLER, Mr. HATCH, Mr. CONRAD, Mr. DEWINE, Mr. GRAHAM of Florida, Mr. SMITH, Mr. BINGAMAN, Mr. ALLARD, Mrs. LINCOLN, Mr. WARNER, Mr. JOHNSON, Mr. HARKIN, Mr. DURBIN, and Ms. LANDRIEU):

S. 289. A bill to amend the Internal Revenue Code of 1986 to improve tax equity for military personnel, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. 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. 289

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

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Armed Forces Tax Fairness Act of 2003''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act 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 Internal Revenue Code of 1986.

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

Sec. 1. Short title; etc.

TITLE I—IMPROVING TAX EQUITY FOR MILITARY PERSONNEL

Sec. 101. Exclusion of gain from sale of a principal residence by a member of the uniformed services or the Foreign Service.
Sec. 102. Exclusion from gross income of certain death gratuity payments.
Sec. 103. Exclusion for amounts received under Department of Defense Homeowners Assistance Program.
Sec. 104. Expansion of combat zone filing rules to contingency operations.
Sec. 105. Modification of membership requirement for exemption from tax for certain veterans' organizations.
Sec. 106. Clarification of treatment of certain dependent care assistance programs.
Sec. 107. Clarification relating to exception from additional tax on certain distributions from qualified tuition programs, etc. on account of attendance at military academy.
Sec. 108. Suspension of tax-exempt status of terrorist organizations.
Sec. 109. Above-the-line deduction for overnight travel expenses of National Guard and Reserve members.

TITLE II—OTHER PROVISIONS

Sec. 201. Extension of IRS user fees.
Sec. 202. Partial payment of tax liability in installment agreements.
Sec. 203. Revision of tax rules on expatriation.
Sec. 204. Protection of social security.

TITLE I—IMPROVING TAX EQUITY FOR MILITARY PERSONNEL

SEC. 101. EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY A MEMBER OF THE UNIFORMED SERVICES OR THE FOREIGN SERVICE.

(a) IN GENERAL.—Subsection (d) of section 121 (relating to exclusion of gain from sale of principal residence) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

''(9) MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE.—

''(A) IN GENERAL.—At the election of an individual with respect to a property, the running of the 5-year period described in subsections (a) and (c)(1)(B) and paragraph (7) of this subsection with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving on qualified official extended duty as a member of the uniformed services or of the Foreign Service of the United States.

''(B) MAXIMUM PERIOD OF SUSPENSION.—The 5-year period described in subsection (a) shall not be extended more than 10 years by reason of subparagraph (A).

''(C) QUALIFIED OFFICIAL EXTENDED DUTY.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified official extended duty' means any extended duty while serving at a duty station which is at least 50 miles from such property or while residing under Government orders in Government quarters.

''(ii) UNIFORMED SERVICES.—The term 'uniformed services' has the meaning given such term by section 101(a)(5) of title 10, United States Code, as in effect on the date of the enactment of this paragraph.

''(iii) FOREIGN SERVICE OF THE UNITED STATES.—The term 'member of the Foreign Service of the United States' has the meaning given the term 'member of the Service' by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980, as in effect on the date of the enactment of this paragraph.

''(iv) EXTENDED DUTY.—The term 'extended duty' means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

''(D) SPECIAL RULES RELATING TO ELECTION.—

''(i) ELECTION LIMITED TO 1 PROPERTY AT A TIME.—An election under subparagraph (A) with respect to any property may not be made if such an election is in effect with respect to any other property.

''(ii) REVOCATION OF ELECTION.—An election under subparagraph (A) may be revoked at any time.''.

(b) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 312 of the Taxpayer Relief Act of 1997.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendments made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 102. EXCLUSION FROM GROSS INCOME OF CERTAIN DEATH GRATUITY PAYMENTS.

(a) IN GENERAL.—Subsection (b)(3) of section 134 (relating to certain military benefits) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR DEATH GRATUITY ADJUSTMENTS MADE BY LAW.—Subparagraph (A) shall not apply to any adjustment to the amount of death gratuity payable under chapter 75 of title 10, United States Code, which is pursuant to a provision of law enacted after September 9, 1986.''.

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 134(b)(3) is amended by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to deaths occurring after September 10, 2001.

SEC. 103. EXCLUSION FOR AMOUNTS RECEIVED UNDER DEPARTMENT OF DEFENSE HOMEOWNERS ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 132(a) (relating to the exclusion from gross income of certain fringe benefits) is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting '', or'', and by adding at the end the following new paragraph:

''(8) qualified military base realignment and closure fringe.''.

(b) QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.—Section 132 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified military base realignment and closure fringe' means 1 or more payments under the authority of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) (as in effect on the date of the enactment of this subsection) to offset the adverse effects on housing values as a result of a military base realignment or closure.

''(2) LIMITATION.—With respect to any property, such term shall not include any payment referred to in paragraph (1) to the extent that the sum of all of such payments related to such property exceeds the amount described in clause (1) of subsection (c) of such section (as in effect on such date).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 104. EXPANSION OF COMBAT ZONE FILING RULES TO CONTINGENCY OPERATIONS.

(a) IN GENERAL.—Section 7508(a) (relating to time for performing certain acts postponed by reason of service in combat zone) is amended—

(1) by inserting '', or when deployed outside the United States away from the individual's permanent duty station while participating in an operation designated by the Secretary of Defense as a contingency operation (as defined in section 101(a)(13) of title 10, United States Code) or which became such a contingency operation by operation of law'' after ''section 112'',

(2) by inserting in the first sentence ''or at any time during the period of such contingency operation'' after ''for purposes of such section'',

(3) by inserting ''or operation'' after ''such an area'', and

(4) by inserting ''or operation'' after ''such area''.

(b) CONFORMING AMENDMENTS.—

(1) Section 7508(d) is amended by inserting ''or contingency operation'' after ''area''.

(2) The heading for section 7508 is amended by inserting ''or contingency operation'' after ''combat zone''.

(3) The item relating to section 7508 in the table of sections for chapter 77 is amended by inserting ''**OR CONTINGENCY OPERATION**'' after ''**COMBAT ZONE**''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any period for performing an act which has not expired before the date of the enactment of this Act.

SEC. 105. MODIFICATION OF MEMBERSHIP REQUIREMENT FOR EXEMPTION FROM TAX FOR CERTAIN VETERANS' ORGANIZATIONS.

(a) IN GENERAL.—Subparagraph (B) of section 501(c)(19) (relating to list of exempt organizations) is amended by striking ''or widowers'' and inserting '', widowers, ancestors, or lineal descendants''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 106. CLARIFICATION OF THE TREATMENT OF CERTAIN DEPENDENT CARE ASSISTANCE PROGRAMS.

(a) IN GENERAL.—Section 134(b) (defining qualified military benefit) is amended by adding at the end the following new paragraph:

''(4) CLARIFICATION OF CERTAIN BENEFITS.—For purposes of paragraph (1), such term includes any dependent care assistance program (as in effect on the date of the enactment of this paragraph) for any individual described in paragraph (1)(A).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 134(b)(3)(A), as amended by section 102, is amended by inserting ''and paragraph (4)'' after ''subparagraphs (B) and (C)''.

(2) Section 3121(a)(18) is amended by striking ''or 129'' and inserting '', 129, or 134(b)(4)''.

(3) Section 3306(b)(13) is amended by striking ''or 129'' and inserting '', 129, or 134(b)(4)''.

(4) Section 3401(a)(18) is amended by striking ''or 129'' and inserting '', 129, or 134(b)(4)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

(d) NO INFERENCE.—No inference may be drawn from the amendments made by this section with respect to the tax treatment of any amounts under the program described in section 134(b)(4) of the Internal Revenue Code of 1986 (as added by this section) for any taxable year beginning before January 1, 2002.

SEC. 107. CLARIFICATION RELATING TO EXCEPTION FROM ADDITIONAL TAX ON CERTAIN DISTRIBUTIONS FROM QUALIFIED TUITION PROGRAMS, ETC. ON ACCOUNT OF ATTENDANCE AT MILITARY ACADEMY.

(a) IN GENERAL.—Subparagraph (B) of section 530(d)(4) (relating to exceptions from additional tax for distributions not used for educational purposes) is amended by striking ''or'' at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

''(iv) made on account of the attendance of the account holder at the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the United States Coast Guard Academy, or the United States Merchant Marine Academy, to the extent that the amount of the payment or distribution does not exceed the costs of advanced education (as defined by section 2005(e)(3) of title 10, United States Code, as in effect on the date of the enactment of this section) attributable to such attendance, or''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 108. SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

''(p) SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.—

''(1) IN GENERAL.—The exemption from tax under subsection (a) with respect to any organization described in paragraph (2), and the eligibility of any organization described in paragraph (2) to apply for recognition of exemption under subsection (a), shall be suspended during the period described in paragraph (3).

''(2) TERRORIST ORGANIZATIONS.—An organization is described in this paragraph if such organization is designated or otherwise individually identified—

''(A) under section 212(a)(3)(B)(vi)(II) or 219 of the Immigration and Nationality Act as a terrorist organization or foreign terrorist organization,

''(B) in or pursuant to an Executive order which is related to terrorism and issued under the authority of the International Emergency Economic Powers Act or section 5 of the United Nations Participation Act of 1945 for the purpose of imposing on such organization an economic or other sanction, or

''(C) in or pursuant to an Executive order issued under the authority of any Federal law if—

''(i) the organization is designated or otherwise individually identified in or pursuant to such Executive order as supporting or engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act) or supporting terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989); and

''(ii) such Executive order refers to this subsection.

''(3) PERIOD OF SUSPENSION.—With respect to any organization described in paragraph (2), the period of suspension—

''(A) begins on the date of the first publication of a designation or identification described in paragraph (2) with respect to such organization, and

''(B) ends on the first date that all designations and identifications described in paragraph (2) with respect to such organization are rescinded pursuant to the law or Executive order under which such designation or identification was made.

''(4) DENIAL OF TAX BENEFITS.—No exclusion, credit, or deduction shall be allowed under any provision of this title with respect to any contribution to an organization described in paragraph (2) during the period described in paragraph (3).

''(5) DENIAL OF ADMINISTRATIVE OR JUDICIAL CHALLENGE OF SUSPENSION OR DENIAL OF DEDUCTION.—Notwithstanding section 7428 or any other provision of law, no organization or other person may challenge a suspension under paragraph (1), a designation or identification described in paragraph (2), the period of suspension described in paragraph (3), or a denial of a deduction under paragraph (4) in any administrative or judicial proceeding relating to the Federal tax liability of such organization or other person.

''(6) ERRONEOUS DESIGNATION.—

''(A) IN GENERAL.—If—

''(i) the tax exemption of any organization described in paragraph (2) is suspended under paragraph (1),

''(ii) each designation and identification described in paragraph (2) which has been made with respect to such organization is determined to be erroneous pursuant to the law or Executive order under which such designation or identification was made, and

''(iii) the erroneous designations and identifications result in an overpayment of income tax for any taxable year by such organization,

credit or refund (with interest) with respect to such overpayment shall be made.

''(B) WAIVER OF LIMITATIONS.—If the credit or refund of any overpayment of tax described in subparagraph (A)(iii) is prevented at any time by the operation of any law or rule of law (including res judicata), such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 1-year period beginning on the date of the last determination described in subparagraph (A)(ii).

''(7) NOTICE OF SUSPENSIONS.—If the tax exemption of any organization is suspended under this subsection, the Internal Revenue Service shall update the listings of tax-exempt organizations and shall publish appropriate notice to taxpayers of such suspension and of the fact that contributions to such organization are not deductible during the period of such suspension.''.

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

SEC. 109. ABOVE-THE-LINE DEDUCTION FOR OVERNIGHT TRAVEL EXPENSES OF NATIONAL GUARD AND RESERVE MEMBERS.

(a) DEDUCTION ALLOWED.—Section 162 (relating to certain trade or business expenses) is amended by redesignating subsection (p) as subsection (q) and inserting after subsection (o) the following new subsection:

''(p) TREATMENT OF EXPENSES OF MEMBERS OF RESERVE COMPONENT OF ARMED FORCES OF THE UNITED STATES.—For purposes of subsection (a)(2), in the case of an individual who performs services as a member of a reserve component of the Armed Forces of the United States at any time during the taxable year, such individual shall be deemed to be away from home in the pursuit of a trade or business for any period during which such individual is away from home in connection with such service.''.

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ELECTS TO ITEMIZE.—Section 62(a)(2) (relating to certain trade and business deductions of employees) is amended by adding at the end the following new subparagraph:

''(E) CERTAIN EXPENSES OF MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES OF

THE UNITED STATES.—The deductions allowed by section 162 which consist of expenses, determined at a rate not in excess of the rates for travel expenses (including per diem in lieu of subsistence) authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, paid or incurred by the taxpayer in connection with the performance of services by such taxpayer as a member of a reserve component of the Armed Forces of the United States for any period during which such individual is more than 100 miles away from home in connection with such services.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2002.

TITLE II—OTHER PROVISIONS

SEC. 201. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

''SEC. 7528. INTERNAL REVENUE SERVICE USER FEES.

''(a) GENERAL RULE.—The Secretary shall establish a program requiring the payment of user fees for—

''(1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and

''(2) other similar requests.

''(b) PROGRAM CRITERIA.—

''(1) IN GENERAL.—The fees charged under the program required by subsection (a)—

''(A) shall vary according to categories (or subcategories) established by the Secretary,

''(B) shall be determined after taking into account the average time for (and difficulty of) complying with requests in each category (and subcategory), and

''(C) shall be payable in advance.

''(2) EXEMPTIONS, ETC.—

''(A) IN GENERAL.—The Secretary shall provide for such exemptions (and reduced fees) under such program as the Secretary determines to be appropriate.

''(B) EXEMPTION FOR CERTAIN REQUESTS REGARDING PENSION PLANS.—The Secretary shall not require payment of user fees under such program for requests for determination letters with respect to the qualified status of a pension benefit plan maintained solely by 1 or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request—

''(i) made after the later of—

''(I) the fifth plan year the pension benefit plan is in existence, or

''(II) the end of any remedial amendment period with respect to the plan beginning within the first 5 plan years, or

''(ii) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

''(C) DEFINITIONS AND SPECIAL RULES.—For purposes of subparagraph (B)—

''(i) PENSION BENEFIT PLAN.—The term 'pension benefit plan' means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

''(ii) ELIGIBLE EMPLOYER.—The term 'eligible employer' means an eligible employer (as defined in section 408(p)(2)(C)(i)(I)) which has at least 1 employee who is not a highly compensated employee (as defined in section 414(q)) and is participating in the plan. The determination of whether an employer is an eligible employer under subparagraph (B) shall be made as of the date of the request described in such subparagraph.

''(iii) DETERMINATION OF AVERAGE FEES CHARGED.—For purposes of any determination of average fees charged, any request to which subparagraph (B) applies shall not be taken into account.

''(3) AVERAGE FEE REQUIREMENT.—The average fee charged under the program required by subsection (a) shall not be less than the amount determined under the following table:

''Category	Average Fee
Employee plan ruling and opinion	$250
Exempt organization ruling	$350
Employee plan determination	$300
Exempt organization determination.	$275
Chief counsel ruling	$200.

''(c) TERMINATION.—No fee shall be imposed under this section with respect to requests made after September 30, 2013.''.

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 77 is amended by adding at the end the following new item:

''Sec. 7528. Internal Revenue Service user fees.''.

(2) Section 10511 of the Revenue Act of 1987 is repealed.

(3) Section 620 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(c) LIMITATIONS.—Notwithstanding any other provision of law, any fees collected pursuant to section 7528 of the Internal Revenue Code of 1986, as added by subsection (a), shall not be expended by the Internal Revenue Service unless provided by an appropriations Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 202. PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—

(1) Section 6159(a) (relating to authorization of agreements) is amended—

(A) by striking ''satisfy liability for payment of'' and inserting ''make payment on'', and

(B) by inserting ''full or partial'' after ''facilitate''.

(2) Section 6159(c) (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting ''full'' before ''payment''.

(b) REQUIREMENT TO REVIEW PARTIAL PAYMENT AGREEMENTS EVERY TWO YEARS.—Section 6159 is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

''(d) SECRETARY REQUIRED TO REVIEW INSTALLMENT AGREEMENTS FOR PARTIAL COLLECTION EVERY TWO YEARS.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to agreements entered into on or after the date of the enactment of this Act.

SEC. 203. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

''SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

''(a) GENERAL RULES.—For purposes of this subtitle—

''(1) MARK TO MARKET.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

''(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

''(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

''(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

''(3) EXCLUSION FOR CERTAIN GAIN.—

''(A) IN GENERAL.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

''(B) COST-OF-LIVING ADJUSTMENT.—

''(i) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2003, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2002' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

''(4) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

''(A) IN GENERAL.—If a covered expatriate elects the application of this paragraph—

''(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

''(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

''(B) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

''(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

''(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

''(iii) complies with such other requirements as the Secretary may prescribe.

''(C) ELECTION.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

''(b) ELECTION TO DEFER TAX.—

''(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

''(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1),

the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

''(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

''(4) SECURITY.—

''(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

''(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

''(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

''(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

''(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

''(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

''(7) INTEREST.—For purposes of section 6601—

''(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

''(B) section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

''(c) COVERED EXPATRIATE.—For purposes of this section—

''(1) IN GENERAL.—Except as provided in paragraph (2), the term 'covered expatriate' means an expatriate.

''(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

''(A) the individual—

''(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

''(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

''(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

''(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

''(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

''(1) EXEMPT PROPERTY.—This section shall not apply to the following:

''(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

''(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

''(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

''(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

''(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

''(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

''(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

''(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

''(D) APPLICABLE PLANS.—This paragraph shall apply to—

''(i) any qualified retirement plan (as defined in section 4974(c)),

''(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

''(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

''(e) DEFINITIONS.—For purposes of this section—

''(1) EXPATRIATE.—The term 'expatriate' means—

''(A) any United States citizen who relinquishes citizenship, and

''(B) any long-term resident of the United States who—

''(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

''(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

''(2) EXPATRIATION DATE.—The term 'expatriation date' means—

''(A) the date an individual relinquishes United States citizenship, or

''(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

''(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

''(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

''(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

''(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

''(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

''(4) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

''(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

''(A) the individual shall not be treated as having sold such interest,

''(B) such interest shall be treated as a separate share in the trust, and

''(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

''(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

''(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

''(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

''(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

''(i) paragraph (1) and subsection (a) shall not apply, and

''(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

''(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

''(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

''(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

''(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

''(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

''(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

''(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

''(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

''(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

''(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

''(E) TAX DEDUCTED AND WITHHELD.—

''(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

''(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

''(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

''(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

''(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

''(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

''(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

''(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

''(i) QUALIFIED TRUST.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

''(ii) VESTED INTEREST.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

''(iii) NONVESTED INTEREST.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

''(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

''(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

''(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

''(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

''(B) OTHER DETERMINATIONS.—For purposes of this section—

''(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

''(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

''(I) the methodology used to determine that taxpayer's trust interest under this section, and

''(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

''(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

''(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

''(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

''(h) IMPOSITION OF TENTATIVE TAX.—

''(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

''(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

''(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

''(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

''(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

''(1) IMPOSITION OF LIEN.—

''(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

''(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

''(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

''(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

''(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

''(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

''(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''.

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

''(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

''(1) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date. For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.

''(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

''(A) the gift, bequest, devise, or inheritance is—

''(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

''(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

''(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.''.

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

''(48) TERMINATION OF UNITED STATES CITIZENSHIP.—

''(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

''(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.''.

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

"(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation).".

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(19) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).".

(B) SAFEGUARDS.—Section 6103(p)(4) (relating to safeguards) is amended by striking "or (17)" each place it appears and inserting "(17), or (19)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

"(g) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after February 5, 2003.".

(2) Section 2107 is amended by adding at the end the following new subsection:

"(f) APPLICATION.—This section shall not apply to any expatriate subject to section 877A.".

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

"(F) APPLICATION.—This paragraph shall not apply to any expatriate subject to section 877A.".

(4)(A) Paragraph (1) of section 6039G(d) is amended by inserting "or 877A" after "section 877".

(B) The second sentence of section 6039G(e) is amended by inserting "or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))" after "877(a))".

(C) Section 6039G(f) is amended by inserting "or 877A(e)(2)(B)" after "877(e)(1)".

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after February 5, 2003.

(2) GIFTS AND BEQUESTS.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after February 5, 2003, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

By Mr. BINGAMAN (for himself, Mr. ROBERTS, Mr. INHOFE, Mrs. HUTCHISON, Mr. DOMENICI, and Mr. BROWNBACK):

S. 290. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to identify a route that passes through the States of Texas, New Mexico, Oklahoma, and Kansas as a high priority corridor on the National Highway System; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation that will enhance the future economic vitality of communities in Otero, Lincoln, Torrance, Guadalupe, and Quay Counties. The purpose of this legislation is to focus attention on the need to upgrade U.S. Highway 54 to four lanes. I believe improving the transportation infrastructure will help attract good jobs to South, Central, and Eastern New Mexico.

I am honored to have my good friend and colleague, Senator ROBERTS, as the lead cosponsor of the bill. I am also pleased to have Senators INHOFE, HUTCHISON, DOMENICI and BROWNBACK as original cosponsors.

In addition, Representatives UDALL, NM, MORAN, LUCAS, THORNBERRY, PEARCE, and REYES are introducing this bill today on the House side.

Our bill designates U.S. Highway 54 from the border with Mexico at El Paso, TX, through New Mexico, and Oklahoma to Wichita, KS, as the Southwest Passage Initiative for Regional and Interstate Transportation, or SPIRIT, corridor. Congress has already included Highway 54 as part of the National Highway System. This bill adds the SPIRIT Corridor in Congress's list of High Priority Corridors on the National Highway System.

About half of the 700-mile-long SPIRIT corridor is in New Mexico and another 200 miles of it are in Kansas. Our goal with this designation is to promote the development of this route into a full four-lane divided highway. When completed, the route will link rural areas in the four States to major market centers.

I continue to believe strongly in the importance of highway infrastructure for economic development in my State. Even in this age of the new economy and high-speed digital communications, roads continue to link our communities together and to carry the commercial goods and products our citizens need. Safe and efficient highways are especially important to citizens in the rural parts of New Mexico.

It is well known that regions with four-lane highways more readily attract out-of-State visitors and new jobs. Truck drivers and the traveling public prefer the safety of a four-lane divided highway.

In New Mexico, US 54 is a fairly level route, bypassing New Mexico's major mountain ranges. The route also traverses some of New Mexico's most dramatic scenery, including two of the State's popular Scenic Byways. One is the Mesalands Scenic Byway in Guadalupe, San Miguel and Quay Counties, incorporating the beautiful tablelands known as El Llano Estacado. The other is the state's newest byway, La Frontera de Llano, which follows highway 39 from Logan to Abbott in Harding County, including the spectacular Canadian River Canyon and the Kiowa National Grasslands.

The SPIRIT corridor passes through Alamogordo, home of the New Mexico Museum of Space History and gateway to the stunning White Sands National Monument.

Highway 54 is also important to our nation from the perspective of national security. The route directly serves Fort Bliss, the White Sands Missile Range, and Holloman Air Force Base. It also passes through the Nation's breadbasket as well as some of the Nation's most important oil and gas fields.

The route of the SPIRIT corridor starts at Juarez, Chihuahua, Mexico, home of one the largest concentrations of manufacturing in the border region. As a result of increased trade under NAFTA, commercial border traffic is now much higher at the border crossings in El Paso, Texas, and Santa Teresa, New Mexico. In New Mexico, truck traffic from the border has risen to over 1000 per day and is expected to triple in the next twenty years.

The SPIRIT corridor is perfectly situated to serve international trade and promote economic development along its entire route. The route provides direct connections to four major Interstate Highways: I–10, I–35, I–40, and I–70. SPIRIT is also the shortest route between Chicago and El Paso, shaving 137 miles off the major alternative.

Though much of US 54 is currently only two lanes, traffic has been rising dramatically along the entire route since NAFTA was implemented. In New Mexico, total daily traffic levels are nearing 10,000 and are projected to rise to 30,000, with trucks making up 35 percent of the total. In Oklahoma, traffic levels are up to 6,500 per day—40 percent of which are commercial trucks. These traffic statistics clearly reflect the SPIRIT corridor's attraction to commercial and passenger drivers.

New Mexicans recognize the importance of efficient roads to economic development and safety. I have long supported my state's efforts to complete the four-lane upgrade of US 54. The State Highway and Transportation Department now rates the project a high priority for New Mexico. The four-lane upgrade of the first 56-mile segment from the Texas border to Alamogordo was completed last year. Two more sections in New Mexico remain to be upgraded: 163 miles from Tularosa, north through Carrizozo, Corona, and

Vaughn, to Santa Rosa and 50 miles from Tucumcari to the Texas border near Nara Visa in Quay County. The cost to four-lane these two segments is estimated at $420 million. I am committed to working to help secure the funding required to complete New Mexico's four-lane upgrade as soon as possible. I am pleased the other States are also moving quickly to four-lane their portion of the route. I hope designating SPIRIT as a High Priority Corridor on the National Highway System will help spur the completion of this project.

Once the SPIRIT corridor is designated, New Mexico will have four high-priority corridors on the National Highway System. The other three are the Ports-to-Plains corridor, the Camino Real Corridor, and the East West Transamerica Corridor. These four trade corridors, as well as our close proximity to the border, strongly underscore the vital role New Mexico plays in our nation's interstate and international transportation network.

The SPIRIT project has broad grassroots support. Most of the cities, counties, and chambers of commerce all the way from Wichita to El Paso have passed resolutions of support for the four-lane upgrade of US 54 along the entire corridor.

I do believe the four-lane upgrade of Highway 54 is vital to the continued economic development for all of the communities along the SPIRIT corridor in New Mexico.

I again thank Senators ROBERTS, INHOFE, HUTCHISON, DOMENICI and BROWNBACK for cosponsoring the bill, and I hope all Senators will join us in support of this important legislation. It is my hope that our bill can pass quickly this year or be included when the Senate considers the reauthorization of the six-year transportation bill.

I ask unanimous consent that the text of the bill be printed in the RECORD. I ask unanimous consent that letters and resolutions of support from Otero County, Lincoln County, and Alamogordo in New Mexico, and from the Director of the Oklahoma Department of Transportation and the Secretary of Transportation of Kansas be printed in the RECORD.

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

S. 290

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

SECTION 1. SOUTHWEST PASSAGE INITIATIVE FOR REGIONAL AND INTERSTATE TRANSPORTATION.

Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended by adding at the end the following:

''(45) The corridor extending from the point on the border between the United States and Mexico in the State of Texas at which United States Route 54 begins, along United States Route 54 through the States of Texas, New Mexico, Oklahoma, and Kansas, and ending in Wichita, Kansas, to be known as the 'Southwest Passage Initiative for Regional and Interstate Transportation Corridor' or 'SPIRIT Corridor'.''.

OCEDC, OTERO COUNTY,
ECONOMIC DEVELOPMENT COUNCIL, INC.,
Alamogordo, NM, March 28, 2002.

Hon. JEFF BINGAMAN,
U.S. Senator,
Las Cruces, NM.

DEAR SENATOR BINGAMAN: The Otero County Economic Development Council, Inc. (OCEDC) wishes to lend our support for Senate Bill 1986 (currently going through Congress), which designates US 54 as a high priority corridor under the Intermodal Surface Transportation Efficiency Act of 1991.

The Southwest Passage Initiative for Regional and Interstate Transportation (S.P.I.R.I.T.) efforts to establish a trade corridor along US 54 will be extremely beneficial to not only trade with Mexico but trade with the states this highway passes through—Kansas, Oklahoma, Texas and New Mexico.

Economic development progress can only be made when infrastructure is available. Having the infrastructure and trade corridor that US 54 provides will bring jobs, diversity and stability to our citizens throughout the county.

We would encourage you to do whatever you can to see that these measures are passed.

Sincerely,

LARRY SHULSE,
President, OCEDC Board of Directors.

RESOLUTION NO. 2001–37

WHEREAS, Senate Bill 1986 was introduced by Senator Bingaman to designate U.S. Highway 54 as a high priority corridor under the Intermodal Surface Transportation Efficiency Act of 1991; and

WHEREAS, the Board of Commissioners of Lincoln County, State of New Mexico, supports the Southwest Passage Initiative for Regional and Interstate Transportation or SPIRIT; and

WHEREAS, the SPIRIT's goal is to promote the four-laning of U.S. Highway 54 from Withcita, Kansas to El Paso, Texas.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Lincoln County has further determined that in order to protect the health, safety, and welfare of our citizens, the Board hereby supports the Southwest Passage Initiative for Regional and Interstate Transportation or SPIRIT Corridor.

CITY OF ALAMOGORDO,
OFFICE OF THE MAYOR,
Alamogordo, NM, March 27, 2002.

Hon. JEFF BINGAMAN,
U.S. Senator, Hart Office Building, Room 703, Washington, DC.

DEAR SENATOR BINGAMAN: This letter is written to thank you for your introduction of Senate Bill 1986, the ''Southwest Passage Initiative for Regional and Interstate Transportation'', or S.P.I.R.I.T. corridor. This highway corridor provides an essential link between Mexico and the Midwestern states. Truck traffic along this path has increased substantially since the advent of the NAFTA treaty and the expectation is for a tripling of total traffic by the year 2023.

We recognize that the path to completing the S.P.I.R.I.T. corridor as a four lane highway from El Paso, Texas through new Mexico, Oklahoma, and Kansas will not be complete overnight, but this is an essential step in moving the project closer to completion.

We thank you for supporting this legislation, whose real and significant benefits will be the safety of the public when using the route, improvement of trade, speed of delivery, and reduction in costs of delivery.

Sincerely,

DONALD E. CARROLL,
Mayor.

ALAMOGORDO CHAMBER OF COMMERCE,
Alamogordo, NM, April 5, 2002.

Hon. JEFF BINGAMAN,
U.S. Senator,
Las Cruces, NM.

DEAR SENATOR BINGAMAN: The Alamogordo Chamber of Commerce wishes to lend our support for Senate Bill 1986 (currently going through Congress), which designates US 54 as a high priority corridor under the Intermodal Surface Transportation Efficiency Act of 1991.

The Southwest Passage Initiative for Regional and Interstate Transportation (S.P.I.R.I.T.) efforts to establish a trade corridor along US 54 will be very vital to the continued economic development for all of the communities along the SPIRIT corridor. This is especially true for the businesses here in Alamogordo, the first stop on the route north from the EL Paso-Juarez Metroplex.

We believe the passing of this bill will help to bring jobs, diversification and stability to our community.

We would encourage you to do whatever you can to see that these measures are passed.

Sincerely,

JOHN MARQUARDT,
President, Alamogordo Chamber of Commerce.

OKLAHOMA DEPARTMENT OF
TRANSPORTATION,
Oklahoma City, OK, April 9, 2002.

Hon. JEFF BINGAMAN,
U.S. Senator, 703 Hart Senate Office Building, Washington, DC.

DEAR SENATOR BINGAMAN: We endorse your efforts to improve US 54 in the States of Oklahoma, New Mexico, Texas, and Kansas. Designation of US 54 as a high priority corridor on the National Highway System will aid in on-going and future improvements to this significant trade corridor.

Governor Keating, Congressman Lucas, Senator Inhofe, and Senator Nickles have recognized the importance of US 54 in the movement of goods and people in this four state region. Beginning in 1995, US 54 was designated as a ''Transportation Improvement Corridor'' in our first Statewide Intermodal Transportation Plan. These Transportation Improvement Corridors were so designated primarily due to current and future congestion and were planned to be four-lane facilities. US 54 certainly carries enough traffic, especially trucks, for this designation. It has continued as a Transportation Improvement Corridor in the latest Statewide Intermodal Transportation Plan.

We have followed through on this designation by committing significant state and federal funding to improving US 54 to a four-lane facility. We have used Capital Improvement Funds (state bonds) combined with federal funds in the amount of $70 million to purchase right-of-way, move utilities, and construct a four-lane facility from the Texas state-line northeastward 34 miles to north of Optima, Oklahoma. Future plans include only purchasing right-of-way from this point northeastward 21 miles to the Kansas stateline and constructing a four-lane facility to Hooker, Oklahoma. However, due to decreases in both state and federal funding, four-laning US 54 from Hooker northeastward 15 miles to the Kansas stateline is uncertain. Your efforts in securing funding for US 54 would greatly aid in this effort.

Sincerely,

GARY M. RIDLEY,
Director.

KANSAS DEPARTMENT OF TRANSPORTATION, OFFICE OF THE SECRETARY OF TRANSPORTATION,
Topeka, KS, April 15, 2002.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: The Kansas Department of Transportation is supportive of the efforts of the Southwest Passage Initiative for Regional and Interstate Transportation (S.P.I.R.I.T.) to designate US–54 as a High Priority Corridor on the National Highway System.

The legislation which you recently cosponsored, S. 1986, would recognize the efforts of the S.P.I.R.I.T. organization and their years of hard work to develop US–54 as a major trade corridor.

Thank you for your support of S.P.I.R.I.T. and US–54.

Sincerely,

E. DEAN CARLSON,
Secretary of Transportation.

By Mr. GRAHAM of South Carolina:

S. 291. A bill to increase the amount of student loans that may be forgiven for teachers in mathematics, science, and special education; to the Committee on Health, Education, Labor, and Pensions.

Mr. GRAHAM. 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. 291

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 ''Quality Teacher Recruitment and Retention Act of 2003.''

SEC. 2. ADDITIONAL QUALIFIED LOAN AMOUNTS.

(a) FEEL LOANS.—Section 428J(c) of the Higher Education Act of 1965 (20 U.S.C. 1078–10(c)) is amended by adding at the end the following:

''(3) ADDITIONAL AMOUNTS FOR TEACHERS IN MATHEMATICS, SCIENCE, OR SPECIAL EDUCATION.—Notwithstanding the amount specified in paragraph (1), the aggregate amount that the Secretary shall repay under this section shall be not more than $17,500 in the case of—

''(A) a secondary school teacher—

''(i) who meets the requirements of subsection (b); and

''(ii) whose qualifying employment for purposes of such subsection is teaching mathematics or science; and

''(B) an elementary school or secondary school teacher—

''(i) who meets the requirements of subsection (b), other than paragraphs (1)(B) and (C);

''(ii) whose qualifying employment for purposes of such subsection is teaching special education; and

''(iii) who, as certified by the chief administrative officer of the public or nonprofit private elementary school or secondary school in which the borrower is employed, is teaching children with disabilities that correspond with the borrower's training and has demonstrated knowledge and teaching skills in the content areas of the elementary school or secondary school curriculum that the borrower is teaching.''.

(b) DIRECT LOANS.—Section 460(c) of the Higher Education Act of 1965 (20 U.S.C. 1087j(c)) is amended by adding at the end the following:

''(3) ADDITIONAL AMOUNTS FOR TEACHERS IN MATHEMATICS, SCIENCE, OR SPECIAL EDUCATION.—Notwithstanding the amount specified in paragraph (1), the aggregate amount that the Secretary shall repay under this section shall not be more than $17,500 in the case of—

''(A) a secondary school teacher—

''(i) who meets the requirements of subsection (b)(1); and

''(ii) whose qualifying employment for purposes of such subsection is teaching mathematics or science; and

''(B) an elementary school or secondary school teacher—

''(i) who meets the requirements of subsection (b)(1), other than clauses (ii) and (iii) of subparagraph (A);

''(ii) whose qualifying employment for purposes of such subsection is teaching special education; and

''(iii) who, as certified by the chief administrative officer of the public or nonprofit private elementary school or secondary school in which the borrower is employed, is teaching children with disabilities that correspond with the borrower's training and has demonstrated knowledge and teaching skills in the content areas of the elementary school or secondary school curriculum that the borrower is teaching.''.

By Mr. GRAHAM of South Carolina:

S. 292. A bill to amend the Fair Labor Standards Act of 1938 to exempt licensed funeral directors and licensed embalmers from the minimum wage and overtime compensation requirements of that Act; to the Committee on Health, Education, and Labor, and Pensions.

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

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

S. 292

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

SECTION 1. FAIR LABOR STANDARDS ACT OF 1938.

Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)) is amended by inserting after paragraph (3) the following:

''(4) any employee employed as a licensed funeral director or a licensed embalmer; or''.

By Ms. MURKOWSKI:

S. 293. A bill to amend the Internal Revenue Code of 1986 to provide a charitable deduction for certain expenses incurred in support of Native Alaskan subsistence whaling; to the Committee on Finance.

Ms. MURKOWSKI. Mr. President, during his State of the Union speech this week, President Bush emphasized the importance of local and charitable initiatives that help define the character of the many communities that make up the mosaic of our country. I have come to the floor today to discuss a community tradition that is unique to many of Alaska's remote villages and which should be recognized and supported by the Federal Government.

Subsistance whaling is vital to the survival of several Alaska Native communities. In many of our remote villages, the whale hunt is a tradition that has been carried on over many millennia. As part of that tradition, it is the custom that the captain of the hunt make all provisions for the meals, wages and equipment costs associated with the hunt.

After the hunt, the Captain is repaid in whale meat and muktuk, which is blubber and skin. However, as part of the tradition, the Captain donates a substantial portion of the whale to his village in order to help the community survive the harsh winter.

While the International Whaling Commission, IWC, has banned commercial whaling, it has specifically recognized the cultural significance of whaling to the Alaska Native community and has allowed them to continue the seasonal hunt. The IWC recognizes that the traditional whale hunt is not carried on for financial gain. Although the hunt generates no financial gain to the whaling captain, the captain incurs real expenses.

Since the whaling captain is not engaged in a business, he is not permitted to deduct the costs he incurs from his taxes. In order to maintain the traditional hunt and to offset some of the costs incurred by the Captain, I am today introducing legislation that would allow the captain to claim a charitable deduction of up to $10,000 to help defray the costs associated with providing this community service.

I want to point out that if the Captain incurred all of these expenses and then donated the whale meat to a local charitable organization, the Captain would almost certainly be able to deduct the costs he incurred in outfitting the boat for the charitable purpose. However, the cultural significance of the Captain's sharing the whale with the community would be lost. Moreover, since there is no commercial market for whale meat because of the international whaling bank, there is no way to set the value of such a charitable contribution.

This is a very modest proposal and I urge my colleagues to support this measure.

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. 293

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 ''Native Alaskan Subsistence Whaling Act of 2003''.

SEC. 2. CHARITABLE CONTRIBUTION DEDUCTION FOR CERTAIN EXPENSES INCURRED IN SUPPORT OF NATIVE ALASKAN SUBSISTENCE WHALING.

(a) IN GENERAL.—Section 170 of the Internal Revenue Code of 1986 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) EXPENSES PAID BY CERTAIN WHALING CAPTAINS IN SUPPORT OF NATIVE ALASKAN SUBSISTENCE WHALING.—

''(1) IN GENERAL.—In the case of an individual who is recognized by the Alaska Eskimo Whaling Commission as a whaling captain charged with the responsibility of maintaining and carrying out sanctioned whaling activities and who engages in such activities during the taxable year, the amount described in paragraph (2) (to the extent such amount does not exceed $10,000 for the taxable year) shall be treated for purposes of this section as a charitable contribution.

''(2) AMOUNT DESCRIBED.—

''(A) IN GENERAL.—The amount described in this paragraph is the aggregate of the reasonable and necessary whaling expenses paid by the taxpayer during the taxable year in carrying out sanctioned whaling activities.

''(B) WHALING EXPENSES.—For purposes of subparagraph (A), the term 'whaling expenses' includes expenses for—

''(i) the acquisition and maintenance of whaling boats, weapons, and gear used in sanctioned whaling activities,

''(ii) the supplying of food for the crew and other provisions for carrying out such activities, and

''(iii) storage and distribution of the catch from such activities.

''(3) SANCTIONED WHALING ACTIVITIES.—For purposes of this subsection, the term 'sanctioned whaling activities' means subsistence bowhead whale hunting activities conducted pursuant to the management plan of the Alaska Eskimo Whaling Commission.''

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2002.

By Ms. MURKOWSKI:

S. 294. A bill to eliminate the sunset for the determination of the Federal medical assistance percentage for Alaska under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000; to the Committee on Finance.

Ms. MURKOWSKI. Mr. President, I speak today on behalf of Alaska's most vulnerable individuals, our children, the disabled, and the elderly poor. Since its enactment in 1965, the Medicaid program has helped States provide low-income and disabled individuals with access to vital health care services. In 1997, Congress allowed States to take on certain health-related responsibilities for children. The Denali Kid Care program, a Medicaid expansion, has been very successful in providing health services for Alaskan children. Unfortunately, under current law many Alaskans who rely on this program could lose some or all of their Medicaid coverage. This is because Alaska's Federal Medical Assistance percentage, FMAP, adjustment, a correction to the Medicaid formula due to the high cost of health care in Alaska, will expire within the next 2 fiscal years. An FMAP correction is necessary for Alaska because this ''one-size-fits-all'' formula does not account for variations in cost-of-living, and does not consider Alaska's higher federally mandated poverty level.

First of all, the FMAP formula was developed in 1946, 13 years before Alaska was admitted to the Union. This archaic formula is used to calculate the Federal share of Medicaid costs for each State. The calculations are based on the per capita income of individual States relative to the national per capita income. In this way, States with higher per capita incomes end up paying a higher percentage of their Medicaid costs. This formula appears to work well for States near the national norms for most economic indicators. It most certainly does not work in the State of Alaska, however, where these economic indicators appear more frequently as statistical exceptions and outlyers.

The problem is fairly simple: it just costs more to do business in Alaska, and this includes health care. A national per capita income threshold is not a fair indicator unless it takes into account the cost of living in that area. The cost-of-living adjustment for Federal employees in Alaska suggests that it costs 25 percent more to live in Alaska than in the lower 48, and Federal employee salaries are adjusted accordingly. A dollar simply does not buy the same thing in Alaska that it does in the lower 48.

This is especially true for health care costs. Estimates suggest that, on average, it costs up to 71 percent more to deliver health care services in Alaska. American Hospital Association data shows that Alaska has the highest average expense per hospital admission of any State in the Nation. But let's talk real numbers again. If you were to be admitted to a hospital in Oregon, on average the cost would be $6,649.00; in Alaska the same average hospital stay costs almost double, $10,859.00. There are also higher costs associated with limited road access and necessary air ambulance service for rural and isolated communities, but the Medicaid FMAP formula does not consider any of these additional costs.

In addition to the higher cost of services in Alaska, the Federal Government sets the poverty level 20 percent higher in Alaska than in any of the lower 48 States. This means 1 out of every 5 Alaskans is eligible for Medicaid. The problem is that this is essentially an unfunded Federal mandate because the FMAP formula, again, does not change to reflect this additional requirement. The higher demand for services that results from the higher poverty level dilutes our resources. The Medicaid FMAP formula was developed before Alaska became a State and does NOT provide the funds to cover all of those who are eligible.

However, in 1997 and again in 2000, Congress recognized that the Medicaid FMAP formula was unfair for Alaska and enacted an adjustment to the formula. Due in part to this more equitable funding and a careful re-allocation of resources, Alaska now: has the lowest age-adjusted death rate for breast cancer in the Nation; has one of the lowest infant mortality rates in the Nation; and has one of the lowest percentages of low birth weight babies in the Nation.

These are encouraging statistics, but more can and must be done to improve access to quality health care. All disabled and low-income Americans, including Alaskans, have been assured access to quality medical care. Alaska has proven it can deliver this quality care, but only with the necessary adjustment to the FMAP formula that recognizes the reality of Alaska's needs.

This issue is timely because the Congress has the opportunity to allow the State of Alaska to plan for the future. Planning is the essence of good management, and when it comes to health care, we must allow States to plan for future needs. In short, the Federal Government must remember its commitment to Alaskans, and allow my State a benefit that all other states have, assurance that money for vital Medicaid services will not just dry up and disappear.

Alaskans do not seek charity, we seek equity. The Congress has supported this request twice before, and I ask for an additional extension to honor Federal commitments to my state. The legislation that I am introducing today will permanently adjust the Medicaid formula for Alaska. I sincerely hope that my colleagues will support this vital legislation that will preserve my State's ability to provide health insurance to the most vulnerable Alaskans.

By Ms. MURKOWSKI:

S. 295. A bill to amend the Denali Commission Act of 1998 to establish the Denali transportation system in the State of Alaska; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise to introduce a bill to establish the Denali Transportation System.

This bill in intended to help create in the same beneficial transportation system in Alaska as exists for every other State in the Union. It is patterned after a similar effort adopted years ago for the Appalachian region, which has demonstrated beyond any doubt that transportation investment is wise investment.

The bill authorizes the Secretary of Transportation to establish a program to fund the costs of construction of the Denali Transportation System, at a level of $450 million per year from Fiscal Year 2004 through Fiscal Year 2009. As new roads are constructed, they will become part of the National Highway System.

As my colleagues are aware, Alaska's ability to develop a strong economy for the benefit of the State and the nation is deeply impaired by the lack of transportation. This affects all aspects of life in the 49th State, from the delivery of fuel and essential services to individuals and families in our many remote villages, to our ability to develop Alaska's abundance of valuable natural resources. Only our major cities have modern roadways, and many of those remain isolated.

No State, or its citizens, can prosper without adequate transportation systems. In much of the country, such systems have been in place since before

the American Revolution, and have been constantly changing, adapting and being upgraded ever since. In much of Alaska, in contrast, residents are still forced to travel between communities by boat, or on frozen rivers, just as they did when the Territory of Alaska was first purchased from Imperial Russia. In this day, and age, such a situation is completely unacceptable. It is a lasting mark of neglect, and it is past time to rectify it.

The Denali Transportation System will provide far greater benefits than costs. As we enter an era where gigantic natural changes are occurring in the Arctic environment, and ice-free maritime transportation through the Arctic Ocean is expected to become a reality within decades, it is critical that we begin to prepare ourselves for those changes. Adequate transportation connections to, and within, America's only Arctic State are imperative.

As we debate a Federal budget during a time when the economy is struggling, let us not forget that the key to long-term prosperity is wise investment. Investing in Alaska is investing wisely. We have incomparable resources and vigorous citizens. It is time we have the transportation system that will allow those assets to be used as they should.

Mr. President, I ask unanimously 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. 295

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 ''Denali Transportation System Act''.

SEC. 2. DENALI TRANSPORTATION SYSTEM.

The Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) is amended—

(1) by redesignating section 309 as section 310; and

(2) by inserting after section 308 the following:

''SEC. 309. DENALI TRANSPORTATION SYSTEM.

''(a) CONSTRUCTION.—

''(1) IN GENERAL.—The Secretary of Transportation shall establish a program under which the Secretary may pay the costs of construction (including the costs of design) in the State of Alaska of the Denali transportation system.

''(2) DESIGN STANDARDS.—Any design carried out under this section shall use technology and design standards determined by the Commission.

''(b) DESIGNATION OF SYSTEM BY COMMISSION.—The Commission shall submit to the Secretary of Transportation—

''(1) designations by the Commission of the general location and termini of highways, port and dock facilities, and trails on the Denali transportation system;

''(2) priorities for construction of segments of the system; and

''(3) other criteria applicable to the program established under this section.

''(c) CONNECTING INFRASTRUCTURE.—In carrying out this section, the Commission may construct marine connections (such as connecting small docks, boat ramps, and port facilities) and other transportation access infrastructure for communities that would otherwise lack access to the National Highway System.

''(d) ADDITION TO NATIONAL HIGHWAY SYSTEM.—On completion, each highway on the Denali transportation system that is not already on the National Highway System shall be added to the National Highway System.

''(e) PREFERENCE TO ALASKA MATERIALS AND PRODUCTS.—In the construction of the Denali transportation system under this section, the Commission may give preference—

''(1) to the use of materials and products indigenous to the State; and

''(2) with respect to construction projects in a region, to local residents and firms headquartered in that region.''.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 310 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) (as redesignated by section 2(1)) is amended by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—There are authorized to be appropriated to the Commission—

''(1) to carry out the duties of the Commission under this title (other than section 309), and in accordance with the work plan approved under section 304, such sums as are necessary for fiscal year 2003; and

''(2) to carry out section 309 $450,000,000 for each of fiscal years 2004 through 2009.''.

By Mr. CAMPBELL:

S. 296. A bill to require the Secretary of Defense to report to Congress regarding the requirements applicable to the inscription of veterans' names on the memorial wall of the Vietnam Veterans Memorial; to the Committee on Energy and Natural Resources.

Mr. CAMPBELL. Mr. President, today I introduce the Fairness to All Fallen Vietnam War Service Members Act of 2003. Almost forty years ago, our country started sending a generation of young men off to fight in Vietnam. Over 58,000 American soldiers gave their lives to their country in and around the lands, skies, and seas of Vietnam.

The legislation I am introducing today is based on language which I previously introduced toward the end of the 107th Congress.

The ultimate sacrifices many of these men have made are honored on the Vietnam Veterans Memorial Wall here in Washington, D.C. There are, however, names that are missing from the wall, names that rightfully should be there with their fallen fellow Americans. It is now time to correct that omission.

On the morning of June 3, 1969, the United States Destroyer, USS *Frank E. Evans,* was cut in half during a training exercise by the Australian aircraft carrier, *Melbourne.* The front half of the destroyer sank in three minutes claiming the lives of seventy-four men.

While these men were not lost due to enemy fire, they were involved in serious combat only days before this tragedy. At the time of the accident, the USS *Frank E. Evans* was taking part in Operation Sea Spirit in the South China Sea which involved over 40 ships from Southeast Asia Treaty Organization Nations. These brave men were instrumental in forwarding American objectives in Vietnam.

The fact is these men died while serving their country and are due the rights and honors they deserve, including being listed on the Vietnam Memorial Wall.

Two of my fellow Coloradans, Brian Crowson and Del A. Francis were on board that fateful morning and survived this horrible accident. Sadly, 74 of their fellow sailors were not as fortunate.

At a time when we rightly honor heroes across our country, should we not also take the necessary step to ensure that our past heroes are also honored?

This legislation directs the Secretary of Defense to determine an appropriate manner to recognize and honor Vietnam Veterans who died in service to our Nation but whose names were excluded from the Vietnam Veterans Memorial Wall. It further asks for input from government agencies and organizations that originally constructed the Vietnam Veterans Memorial Wall regarding the feasibility of adding additional names. Finally, the bill asks for appropriate alternative options for recognizing these veterans should it be deemed that there is no logistical way to add these names.

As a veteran of the Korean War, I personally understand the ultimate sacrifice many of our brave men and women have made for the price of freedom. This recognition should not be taken lightly.

I look forward to working with my colleagues here in the Senate as well as the USS *Frank E. Evans* Association so that we can pass this long overdue legislation.

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. 296

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 ''Fairness to All Fallen Vietnam War Service Members Act of 2003''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Public Law 96–297 (94 Stat. 827) authorized the Vietnam Veterans Memorial Fund, Inc., (the ''Memorial Fund'') to construct a memorial ''in honor and recognition of the men and women of the Armed Forces of the United States who served in the Vietnam war''.

(2) The Memorial Fund determined that the most fitting tribute to those who served in the Vietnam war would be to permanently inscribe the names of the members of the Armed Forces who died during the Vietnam war, or who remained missing at the conclusion of the war, on a memorial wall.

(3) The Memorial Fund relied on the Department of Defense to compile the list of individuals whose names would be inscribed on the memorial wall and the criteria for inclusion on such list.

(4) The Memorial Fund established procedures under which mistakes and omissions in the inscription of names on the memorial wall could be corrected.

(5) Under such procedures, the Department of Defense established eligibility requirements that must be met before the Memorial Fund will make arrangements for the name of a veteran to be inscribed on the memorial wall.

(6) The Department of Defense determines the eligibility requirements and has periodically modified such requirements.

(7) As of February 1981, in order for the name of a veteran to be eligible for inscription on the memorial wall, the veteran must have—

(A) died in Vietnam between November 1, 1955, and December 31, 1960;

(B) died in a specified geographic combat zone on or after January 1, 1961;

(C) died as a result of physical wounds sustained in such combat zone; or

(D) died while participating in, or providing direct support to, a combat mission immediately en route to or returning from such combat zone.

(8) Public Law 106–214 (114 Stat. 335) authorizes the American Battle Monuments Commission to provide for the placement of a plaque within the Vietnam Veterans Memorial ''to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service, and whose names are not otherwise eligible for placement on the memorial wall''.

(9) The names of a number of veterans who died during the Vietnam war are not eligible for inscription on the memorial wall or the plaque.

(10) Examples of such names include the names of the 74 servicemembers who died aboard the U.S.S. Frank E. Evans (DD–174) on June 3, 1969, while the ship was briefly outside the combat zone participating in a training exercise.

SEC. 3. STUDY AND REPORT.

(a) STUDY.—The Secretary of Defense shall conduct a study that—

(1) identifies the veterans (as defined in section 101(2) of title 38, United States Code) who died on or after November 1, 1955, as a direct or indirect result of military operations in southeast Asia and whose names are not eligible for inscription on the memorial wall of the Vietnam Veterans Memorial;

(2) evaluates the feasibility and equitability of revising the eligibility requirements applicable to the inscription of names on the memorial wall to be more inclusive of such veterans; and

(3) evaluates the feasibility and equitability of creating an appropriate alternative means of recognition for such veterans.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report based on the study conducted under subsection (a). The report shall include—

(1) the reasons (organized by category) that the names of the veterans identified under subsection (a)(1) are not eligible for inscription on the memorial wall under current eligibility requirements, and the number of veterans affected in each category;

(2) a list of the alternative eligibility requirements considered under subsection (a)(2);

(3) a list of the alternative means of recognition considered under subsection (a)(3); and

(4) the conclusions and recommendations of the Secretary of Defense with regard to the feasibility and equitability of each alternative considered.

(c) CONSULTATIONS.—In conducting the study under subsection (a) and preparing the report under subsection (b), the Secretary of Defense shall consult with—

(1) the Secretary of Veterans Affairs;

(2) the Secretary of the Interior;

(3) the Vietnam Veterans Memorial Fund, Inc.;

(4) the American Battle Monuments Commission;

(5) the Vietnam Women's Memorial, Inc.; and

(6) the National Capital Planning Commission.

By Mr. CAMPBELL:

S. 297. A bill to provide reforms and resources to the Bureau of Indian Affairs to improve the Federal acknowledgement process, and for other purposes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am pleased to be joined by Senator INOUYE in introducing the ''Federal Acknowledgment Process Reform Act of 2003''.

Since 1997 I have offered changes to the Federal Acknowledgment Process, FAP, which is the process by which Indian groups are ''recognized'' by the United States as tribes.

Recognition of a tribal group as a tribe brings with it the privileges, immunities and rights accorded to Indian tribes.

In recent years, the FAP has been described as ''broken'', ''too lengthy'', ''too costly'', ''without integrity'', ''not transparent'' and ''inconsistently applied'' to name but a few.

For petitioners that have waited literally generations for a final answer on their application, the process is too lengthy.

For petitioners of modest means driven to seek the financial support of ''a backer'', the process is too costly.

For interested parties who feel compelled to file Freedom of Information Act requests to secure information, the process is not transparent.

And for the uninitiated and those not familiar with the governing legal regime, the regulations do appear to be inconsistently applied.

The FAP has not been with us forever. In 1978, the Department of Interior established regulations in the Code of Federal Regulations, 25 CFR Part 83, to ''establish a departmental procedure and policy for acknowledging that certain American Indian groups exist as tribes.''

Since this administrative procedure was set up in 1978, over 270 groups have petitioned under the regulations, with 18 groups being awarded acknowledgment as a tribe, and 19 groups having been denied.

This means that nearly 230 groups are still waiting to hear on their petitions.

For those who think the Branch of Acknowledgment and Research, BAR, is a serial grantor of recognition: just last week the Golden Hill Paugussett group in Connecticut was preliminarily denied acknowledgment.

The delays petitioners face have led to understandable frustration: the Indian Affairs Committee has received testimony from groups where the individuals that originally filed the petition have passed away, and the struggle is carried on by their children, and even grandchildren.

Some petitioners have become so tired of waiting that they have sued the Secretary of Interior and some courts have forced the BAR to produce decisions by dates-certain.

Unfortunately this ''queue jumping'' has created adverse incentives, as more groups file lawsuits.

The kinks in the process have also caused understandable frustration on the part of other, non-Indian groups. These frustrations have led to voluminous Freedom of Information Act, FOIA, requests, and even lawsuits, as these groups have tried to secure information or seek a better understanding of the regulations.

As you might expect, once the lawsuits get started, paper starts churning. The BAR staff testified to the Indian Affairs Committee that their anthropologists, genealogists and historians spend 40 percent of their time just making photo-copies in response to FOIA requests.

The bill I am introducing today will resolve many of the problems I have described. It will do this first by introducing discipline into the process. Under this bill would-be-petitioners must include enough information in their ''letter of intent'' so that the BAR and other interested parties have a better idea of the context of the group. Obtaining more information will better assist the Secretary of Interior in providing notices to the group and interested parties; and the bill requires that such notices go out within 90 days, insuring timeliness.

Secondly, this bill will provide more resources to petitioners and interested parties, based on the needs of the group or party, something on which all observers of the process seem to be in agreement.

Third, this bill will provide more resources to the Department of Interior, another point on which there seems to be wide agreement.

I do not propose to merely throw more money at this problem. Instead, the bill establishes a research pilot project that will draw upon independent research institutions and consultation with the Smithsonian to expand the research capacity of the BAR.

The bill will also provide a resource to the Assistant Secretary that is sorely needed: an independent research and advisory board that can be called on by the Assistant Secretary to act as a peer reviewer and a second source upon which the Assistant Secretary can base his determination on a petition.

This board will consist of certified professionals and will be available to the Assistant Secretary: 1. at his discretion, if the Assistant Secretary and BAR disagree regarding whether particular criterion have been met in a petition; and 2. to provide outside peer

review and a second opinion on a proposed final determination.

The board will give the Assistant Secretary greater assurance in the soundness of his determination, and will provide a more solid foundation for any later appellate review.

Finally, this bill will provide the certainty of a statutory basis for the acknowledgment criteria that have been used by the BAR since 1978.

There appears to be widespread acceptance of the substantive validity of the criteria, but questions have been raised regarding whether those criteria should be codified. This bill answers that question definitively.

This bill addresses the criticisms of the FAP by increasing the transparency, consistency and integrity of the process, and at the same time removes some of the bureaucratic hurdles that have caused the process to be too costly and time-consuming.

I urge my colleagues to support this important measure and ask unanimous consent that a copy of the bill be printed in the RECORD.

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. 297

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 ''Federal Acknowledgment Process Reform Act of 2003''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Indian tribes were sovereign governmental entities before the establishment of the United States;

(2) the United States has entered into and ratified treaties with many Indian tribes for the purpose of establishing government-to-government relationships between the United States and the Indian tribes;

(3) Federal court decisions have recognized the constitutional power of Congress to establish government-to-government relationships with Indian tribes;

(4) in 1970, President Nixon ended the termination policy and inaugurated the policy of Indian self-determination;

(5) in 1978—

(A) the Secretary of the Interior delegated authority to the Assistant Secretary for Indian Affairs to establish a formal process by which the United States acknowledges an Indian tribe; and

(B) the Bureau of Indian Affairs established the Branch of Acknowledgment and Research to carry out the Federal acknowledgment process; and

(6) the Federal acknowledgment process was intended to provide the Assistant Secretary with an informed and well-researched basis for making any decision to acknowledge an Indian tribe.

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

(1) to ensure that, in any case in which the United States acknowledges an Indian tribe, it does so with a consistent legal, factual, and historical basis;

(2) to provide clear and consistent standards to review documented petitions for acknowledgment; and

(3) to clarify evidentiary standards and expedite the administrative review process for petitions by—

(A) establishing deadlines for decisions; and

(B) providing adequate resources to process petitions.

SEC. 3. DEFINITIONS.

In this Act:

(1) ACKNOWLEDGMENT.—The term ''acknowledgment'', with respect to a determination by the Assistant Secretary, means acknowledgment by the United States that—

(A) an Indian group is an Indian tribe having a government-to-government relationship with the United States; and

(B) the members of the Indian group are eligible for the programs and services provided by the United States to members of Indian tribes because of the status of those members as Indians.

(2) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means the Assistant Secretary for Indian Affairs of the Department.

(3) AUTONOMOUS.—The term ''autonomous'', with respect to an Indian group and in the context of the history, geography, culture, and social organization of the Indian group, means an Indian group that exercises the political influence or authority of the Indian group independently of the control of any other Indian group.

(4) BOARD.—The term ''Board'' means the Independent Review and Advisory Board established under section 6(a).

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

(6) COMMUNITY.—The term ''community'' means any group of people living within a particular area that, in the context of the history, culture, and social organization of the group, and taking into account the geography of the region in which the group is located, is able to demonstrate that—

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

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

(7) CONTINUOUS.—With respect to the history of a group, the term ''continuous'' means the period beginning with calendar year 1900 and continuing to the present time substantially without interruption.

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

(9) DOCUMENTED PETITION.—The term ''documented petition'' means a petition for acknowledgment consisting of a detailed, factual exposition and arguments, and related documentary evidence, that specifically address requirements for acknowledgment established by the Assistant Secretary under section 4(b).

(10) HISTORICAL PERIOD.—The term ''historical period'' means the period beginning with 1900 and continuing through the date of submission of a petition for acknowledgment under this Act.

(11) HISTORY.—The term ''history'', with respect to an Indian group or Indian tribe, means the existence of the Indian group or Indian tribe during the historical period.

(12) INDEPENDENT RESEARCH INSTITUTION.—The term ''independent research institution'' means an academic or museum institution that—

(A) employs significant resources toward the study of anthropology and other human sciences that are commonly used in reviewing petitions for acknowledgment; and

(B) could readily detail those resources to assist the Assistant Secretary in reviewing those petitions.

(13) INDIAN GROUP.—The term ''Indian group'' means any Indian band, pueblo, village, or community that is not acknowledged.

(14) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(15) INTERESTED PARTY.—

(A) IN GENERAL.—The term ''interested party'' means any person, organization, or other entity that—

(i) establishes a legal, factual, or property interest in a determination of acknowledgment; and

(ii) requests an opportunity to submit comments or evidence, or to be kept informed of general actions, regarding a specific petition.

(B) INCLUSIONS.—The term ''interested party'' includes—

(i) the Governor of any State;

(ii) the Attorney General of any State;

(iii) any unit of local government; and

(iv) any Indian tribe, or Indian group, that may be directly affected by a determination of acknowledgment.

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

(A) indicates the intent of an Indian group to submit a documented petition for Federal acknowledgment;

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

(C) is submitted to the Department.

(17) PETITIONER.—The term ''petitioner'' means any Indian group that submits a letter of intent to the Assistant Secretary.

(18) PILOT PROJECT.—The term ''pilot project'' means the Federal acknowledgment research pilot project established under section 6(c).

(19) POLITICAL INFLUENCE OR AUTHORITY.—The term ''political influence or authority'', with respect to the exercise or maintenance by an Indian group, means the use by the Indian group of a tribal council, leadership, internal process, or other mechanism, in the context of the history, culture, and social organization of the Indian group, as a means of—

(A) influencing or controlling the behavior of members of the Indian group in a significant manner;

(B) making decisions for the Indian group that substantially affect members of the Indian group; or

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

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

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

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

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

(C) negotiated by the United States with, or on behalf of, any Indian group in California, regardless of whether the treaty was subsequently ratified.

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

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

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

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

SEC. 4. ACKNOWLEDGMENT PROCESS.

(a) LETTER OF INTENT.—

(1) IN GENERAL.—An Indian group that desires to initiate with the Department a petition for acknowledgment shall submit to the Assistant Secretary a letter of intent that provides to the Assistant Secretary relevant information concerning the Indian group that may be used to provide notice to interested parties.

(2) CONTENTS.—The Indian group shall include in the letter of intent, to the maximum extent practicable—

(A) the current name of the Indian group and any name by which the Indian group may have been identified throughout the history of the Indian group;

(B) the 1 or more names of the governing body of the Indian group;

(C) the current address of the governing body of the Indian group; and

(D) a brief narrative of the history of the Indian group describing—

(i) the geographic areas in which the Indian group may have been located during that history; and

(ii) any relationships of the Indian group with other Indian tribes or Indian groups.

(3) NOTICE.—Not later than 90 days after the date of receipt of a letter of intent from an Indian group, the Assistant Secretary shall notify the Indian group and interested parties whether the letter of intent reasonably identifies the Indian group.

(b) REQUIREMENTS FOR PETITIONS.—

(1) EVIDENCE.—

(A) IN GENERAL.—Except as provided in paragraph (2), on or after filing a letter of intent, an Indian group that seeks acknowledgment shall submit to the Assistant Secretary a petition accompanied by evidence that demonstrates the existence of the Indian group during the historical period.

(B) EVIDENCE RELATING TO HISTORICAL EXISTENCE.—To establish the existence of an Indian group during the historical period, a petition shall include evidence that demonstrates with reasonable likelihood that each factor described in section 5 with respect to the petition has been achieved by the petitioner.

(C) ACCESS TO LIBRARY OF CONGRESS AND NATIONAL ARCHIVES.—On request by a petitioner, the appropriate officials of the Library of Congress and the National Archives shall permit access by the petitioner to the resources, records, and documents relating to the petitioner for the purposes of conducting research and preparing evidence concerning the status of the petitioner.

(2) INELIGIBLE GROUPS AND ENTITIES.—The following groups and entities shall not be eligible to submit to the Assistant Secretary a petition for acknowledgment under this Act:

(A) Any Indian tribe, organized band, pueblo, community, or Alaska Native entity that, as of the date of enactment of this Act, is acknowledged.

(B) Any Indian group, political faction, or community that separates from the main population of an Indian tribe, unless the Indian group, faction, or community establishes to the satisfaction of the Assistant Secretary that the Indian group, political faction, or community has functioned as an autonomous Indian group throughout the historical period.

(C) Any Indian group, or successor in interest of an Indian group (other than an Indian tribe, organized band, pueblo, community, or Alaska native entity described in subparagraph (A)), that, before the date of enactment of this Act, in accordance with regulations promulgated by the Secretary, petitioned for, and was denied or refused, acknowledgment based on the merits of the petition (except that nothing in this subparagraph excludes any group that Congress has identified as an Indian group but has not identified as an Indian tribe).

(D) Any Indian group the relationship of which with the Federal Government was expressly terminated by an Act of Congress.

(c) NOTICE OF RECEIPT OF A PETITION; SCHEDULE.—

(1) PUBLICATION.—

(A) IN GENERAL.—Not later than 30 days after the date on which the Assistant Secretary receives a documented petition under subsection (b), the Assistant Secretary shall publish in the Federal Register a notice of receipt of the petition.

(B) INCLUSIONS.—The notice shall include—

(i) the name and location of the petitioner;

(ii) such other information as the Assistant Secretary determines will identify the petitioner;

(iii) the date of receipt of the petition;

(iv) information describing 1 or more locations at which a copy of the petition and related submissions may be examined by the public; and

(v) a description of the procedure by which an interested party may submit—

(I) evidence in support of or in opposition to the request of the petitioner for acknowledgment; or

(II) a request to be kept informed of all actions affecting the petition.

(2) SCHEDULE.—Not later than 60 days after the date of publication of a notice under paragraph (1)(A), the Assistant Secretary shall establish a schedule for—

(A) the submission of evidence and arguments relating to the petition; and

(B) the publication of proposed findings of the Assistant Secretary with respect to the petition.

(d) REVIEW OF PETITIONS.—

(1) IN GENERAL.—On receipt of a documented petition, the Assistant Secretary, in accordance with the schedule established under subsection (c)(2), shall—

(A) conduct a review to determine whether the petitioner is entitled to acknowledgment; and

(B) publish in the Federal Register the proposed findings of the Assistant Secretary with respect to that determination.

(2) CONTENT OF REVIEW.—The review conducted under paragraph (1) shall include consideration of—

(A) the petition;

(B) any supporting evidence; and

(C) any factual statements contained in the petition relating to other submissions, including oral accounts of the history of the petitioner submitted by the petitioner.

(3) CONSIDERATION OF EVIDENCE.—Evidence received from interested parties under subsection (c)(1)(B)(v)(I) shall be—

(A) considered by the Assistant Secretary; and

(B) noted in any final determination regarding a petition.

(4) OTHER RESEARCH.—In conducting a review under this subsection, the Assistant Secretary may—

(A) initiate other research for any purpose relating to—

(i) analysis of the petition; or

(ii) the acquisition of additional information concerning the status of the petitioner;

(B) initiate research through the pilot project or the Board; and

(C) consider evidence submitted by interested parties, including oral accounts of the history of the petitioner submitted by other Indian tribes.

(5) EXCEPTION FOR LACK OF CERTAIN EVIDENCE.—If the Assistant Secretary determines that, for any period of time, evidence necessary to carry out this subsection is lacking, the lack of evidence shall not be the basis for a determination of the Assistant Secretary not to acknowledge a petitioner if the Assistant Secretary determines that the lack of evidence may be attributed to—

(A) any applicable official act of the Federal Government or a State government; or

(B) any applicable unofficial act of an officer or agent of the Federal Government or a State government.

(e) FINAL DETERMINATION.—

(1) IN GENERAL.—On review of all evidence submitted under section 5 and this section and the results of research conducted under section 5 and this section by the Assistant Secretary (including through the pilot project or the Board), and after providing a petitioner an opportunity to respond to proposed findings of the Assistant Secretary against acknowledgment, the Assistant Secretary shall make a final determination in writing whether the petitioner is entitled to acknowledgment.

(2) FACTS AND CONCLUSIONS.—A final determination under paragraph (1) shall include all facts and conclusions of law in accordance with which the final determination was made.

(3) NOTIFICATION OF ACKNOWLEDGMENT.—If the Assistant Secretary determines under paragraph (1) that a petitioner is entitled to acknowledgment, the Assistant Secretary shall—

(A) acknowledge the petitioner;

(B) notify the petitioner and any interested parties of the final determination to acknowledge the petitioner;

(C) provide to the petitioner and any interested parties a copy of the final determination; and

(D) not later than 7 days after notifying the petitioner and any interested parties under subparagraph (B), publish in the Federal Register a notice of the final determination of acknowledgment.

(f) JUDICIAL REVIEW.—

(1) IN GENERAL.—Not later than 60 days after the date of publication of the notice of a final determination described in subsection (e)(3)(D), a petitioner may seek judicial review of the final determination by the United States District Court for the District of Columbia.

(2) STATEMENT OF INTENT.—It is the intent of Congress that, in accordance with Federal law relating to interpretations of treaties and Acts of Congress affecting the rights, powers, privileges, and immunities of Indian tribes, any ambiguity in this Act be liberally construed in favor of an Indian group or Indian tribe.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2004 through 2013.

SEC. 5. DOCUMENTED PETITIONS.

(a) FACTORS FOR CONSIDERATION.—A petition for acknowledgment submitted by an Indian group shall be in any readable form that—

(1) clearly indicates that the petition is a documented petition requesting acknowledgment of the Indian group; and

(2) contains detailed, specific evidence as described in subsections (b) through (g).

(b) STATEMENT OF FACTS RELATING TO IDENTITY.—

(1) IN GENERAL.—A petition described in subsection (a) shall contain a statement of facts and an analysis of those facts establishing that the petitioner has been identified as an Indian group in the United States on a substantially continuous basis.

(2) PREVIOUS DENIALS OF STATUS.—The Assistant Secretary shall not consider any evidence that the status of the petitioner as an

Indian group has previously been denied to be conclusive evidence that the factor described in paragraph (1) has not been met.

(3) EVIDENCE RELATING TO IDENTITY.—In determining the Indian identity of a group, the Assistant Secretary may use as evidence 1 or more of the following:

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

(B) A relationship between the petitioner and any State government, based on an identification of the petitioner by the State as an Indian entity.

(C) Any dealings of the petitioner with a county or political subdivision of a State in a relationship based on an identification of the petitioner as an Indian group.

(D) An identification of the petitioner as an Indian group by records in a private or public archive, courthouse, church, or school.

(E) An identification of the petitioner as an Indian group by an anthropologist, historian, or other scholar.

(F) An identification of the petitioner as an Indian group in a newspaper, book, or similar medium.

(G) An identification of the petitioner as an Indian group by an Indian tribe or by a national, regional, or State Indian organization.

(H) An identification of the petitioner as an Indian group by a foreign government or an international organization.

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

(c) STATEMENT OF FACTS RELATING TO EVIDENCE OF COMMUNITY.—

(1) IN GENERAL.—A petition described in subsection (a) shall include a statement of facts and an analysis of those facts establishing that a predominant portion of the membership of the petitioner—

(A) comprises a community distinct from the communities surrounding that community; and

(B) has existed as a community throughout the historical period.

(2) EVIDENCE RELATING TO COMMUNITY.—In determining whether the membership of the petitioner meets the requirements of paragraph (1), the Assistant Secretary may use as evidence 1 or more of the following:

(A) Significant rates of marriage within the membership of the petitioner, or, as may be culturally required, patterned out-marriages with other Indian populations.

(B) Significant social relationships connecting individual members of the petitioner.

(C) Significant rates of informal social interaction that exist broadly among the members of the petitioner.

(D) A significant degree of shared or cooperative labor or other economic activity among the membership of the petitioner.

(E) Evidence of strong patterns of discrimination or other social distinctions against members of the petitioner by nonmembers.

(F) Shared sacred or secular ritual activity encompassing a majority of members of the petitioner.

(G) Cultural patterns that—

(i) are shared among a significant portion of the members of the petitioner;

(ii) are different from the cultural patterns of the non-Indian populations with whom the membership of the petitioner interacts;

(iii) function as more than a symbolic identification of the petitioner as Indian; and

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

(H) The persistence of a named, collective Indian identity during a continuous period of at least 50 years, notwithstanding any change in name.

(I) A demonstration of historical political influence or authority of the petitioner.

(J) A demonstration that not less than 50 percent of the members of the petitioner exhibit collateral kinship ties through generations to the third degree.

(3) CRITERIA FOR SUFFICIENT EVIDENCE.—The Assistant Secretary shall consider a petitioner to have provided sufficient evidence of community under this subparagraph if the petitioner has provided to the Assistant Secretary evidence demonstrating that, throughout the historical period—

(A)(i) more than 50 percent of the members of the petitioner reside in a particular geographical area exclusively, or almost exclusively, composed of members of the group; and

(ii) the balance of the membership maintains consistent social interaction with other members of the petitioner;

(B) not less than ⅓ of the marriages of the petitioner are between members of the petitioner;

(C) not less than 50 percent of the members of the petitioner maintain distinct cultural patterns, including language, kinship, and religious organizations, or religious beliefs or practices;

(D) distinct community social institutions (such as kinship organizations, formal or informal economic cooperation, and religious organizations) encompass at least 50 percent of the members of the petitioner; or

(E) the petitioner has met the requirement under subsection (d)(1) using evidence described in subsection (d)(2).

(d) STATEMENT OF FACTS RELATING TO AUTONOMOUS NATURE OF PETITIONER.—

(1) IN GENERAL.—A petition described in subsection (a) shall include a statement of facts and an analysis of those facts establishing that the petitioner has maintained political influence or authority over members of the petitioner throughout the historical period.

(2) EVIDENCE RELATING TO AUTONOMOUS NATURE.—In determining whether a petitioner is an autonomous entity under paragraph (1), the Assistant Secretary may use as evidence 1 or more of the following:

(A) A demonstration that the petitioner is capable of mobilizing significant numbers of members and significant member resource for purposes relating to the petitioner.

(B) Evidence that most of the members of the petitioner consider actions taken by leaders or governing bodies of the petitioner to be of personal importance.

(C) Evidence that there is widespread knowledge, communication, and involvement in political processes of the petitioner by a majority of the members of the petitioner.

(D) Evidence that the petitioner meets the requirement of subsection (c)(1) at more than a minimal level.

(E) A demonstration by the petitioner that there are conflicts within the membership that demonstrate controversy over valued goals, properties, policies, processes, or decisions of the petitioner.

(F) A demonstration or description by the petitioner of—

(i) a continuous line of leaders of the petitioner; and

(ii) the means by which a majority of the members of the petitioner selected, or approved the selection of, those leaders.

(3) EVIDENCE OF EXERCISE OF POLITICAL INFLUENCE OR AUTHORITY.—The Assistant Secretary shall consider a petitioner to have provided sufficient evidence to demonstrate the exercise of political influence or authority if the petitioner demonstrates that decisions by leaders of the petitioner (or decisions made through another decisionmaking process) have been made throughout the historical period with respect to—

(A) the allocation of group resources such as land, residence rights, or similar resources on a consistent basis;

(B) the settlement on a regular basis, by mediation or other means, of disputes between members or subgroups of members of the petitioner (such as clans or lineages);

(C) the exertion of strong influence on the behavior of individual members of the petitioner, such as the establishment or maintenance of norms and the enforcement of sanctions to direct or control behavior; or

(D) the organization or influencing of economic subsistence activities among the members of the petitioner, including shared or cooperative labor.

(e) GOVERNING DOCUMENT.—

(1) IN GENERAL.—A petition described in subsection (a) shall include a copy of the governing document of the petitioner in effect as of the date of submission of the petition that includes a description of the membership criteria of the petitioner.

(2) ALTERNATIVE STATEMENT.—If no written governing document described in paragraph (1) exists, a petitioner shall include with a petition described in subsection (a) a detailed statement that describes—

(A) the membership criteria of the petitioner; and

(B) the governing procedures of the petitioner in effect as of the date of submission of the petition.

(f) LIST OF MEMBERS.—

(1) IN GENERAL.—A petition described in subsection (a) shall include—

(A) a list of all members of the petitioner as of the date of submission of the petition that includes for each member—

(i) a full name (and maiden name, if any);

(ii) a date and place of birth; and

(iii) a current residential address;

(B) a copy of each available former list of members of the petitioner; and

(C) a statement describing the methods used in preparing those lists.

(2) REQUIREMENTS FOR MEMBERSHIP.—In determining whether to consider the members of a petitioner to be members of an Indian group for the purpose of a petition described in subparagraph (A), the Assistant Secretary shall require that the membership consist of descendants of—

(A) an Indian group that existed during the historical period; or

(B) 1 or more Indian groups that, at any time during the historical period, combined and functioned as a single autonomous entity.

(3) EVIDENCE OF TRIBAL MEMBERSHIP.—In making the determination under paragraph (2), the Assistant Secretary may use as evidence 1 or more of the following:

(A) Tribal rolls prepared by the Secretary for the petitioner for the purpose of distributing claims money or providing allotments, or for other any other purpose.

(B) Any Federal, State, or other official record or evidence identifying members of the petitioner as of the date of submission of the petition, or ancestors of those members, as being descendants of an Indian group described in subparagraph (A) or (B) of paragraph (2).

(C) Any church, school, or other similar enrollment record identifying members of the petitioner as of the date of submission of the petition, or ancestors of those members, as being descendants of an Indian group described in subparagraph (A) or (B) of paragraph (2).

(D) An affidavit of recognition by tribal elders, tribal leaders, or a tribal governing

body identifying members of the petitioner as of the date of submission of the petition, or ancestors of those members, as being descendants of an Indian group described in subparagraph (A) or (B) of paragraph (2).

(E) Any other record or evidence based on firsthand experience of a historian, anthropologist, or genealogist with established expertise on the petitioner or Indian entities in general, identifying members of the petitioner as of the date of submission of the petition, or ancestors of those members, as being descendants of an Indian group described in subparagraph (A) or (B) of paragraph (2).

(g) EXCEPTIONS.—

(1) IN GENERAL.—An Indian group described in paragraph (2) shall be required to provide evidence for a petition for acknowledgment submitted under this section only with respect to the period—

(A) beginning on the date on which the Department first notifies the Indian group that the Indian group is not eligible for Federal services or programs because of a lack of status as an Indian tribe; and

(B) ending on the date of submission of the petition.

(2) INDIAN GROUP.—An Indian group referred to in this paragraph is an Indian group that demonstrates by a reasonable likelihood of the validity of the evidence that the Indian group was, or is a successor in interest to—

(A) a party to 1 or more treaties;

(B) a group acknowledged by any agency of the Federal Government as eligible to participate in a project or activity under the Act of June 18, 1934 (commonly known as the ''Indian Reorganization Act'') (25 U.S.C. 461 et seq.);

(C) a group—

(i) for the benefit of which the United States took land into trust; or

(ii) that has been treated by the Federal Government as having collective rights in tribal land or funds; or

(D) a group that has been designated as an Indian tribe by an Act of Congress or Executive order.

SEC. 6. ADDITIONAL RESOURCES.

(a) INDEPENDENT REVIEW AND ADVISORY BOARD.—

(1) IN GENERAL.—The Assistant Secretary shall establish the Independent Review and Advisory Board—

(A) to assist the Assistant Secretary in addressing unique evidentiary questions relating to the acknowledgment process;

(B) to provide secondary peer review of acknowledgment determinations by the Assistant Secretary; and

(C) to enhance the credibility of the acknowledgment process as perceived by Congress, petitioners, interested parties, and the public.

(2) NUMBER AND QUALIFICATIONS.—

(A) IN GENERAL.—The Board shall be composed of 9 individuals appointed by the Assistant Secretary, of whom—

(i) at least 3 individuals shall have a doctoral degree in anthropology;

(ii) at least 3 individuals shall have a doctoral degree in genealogy;

(iii) at least 2 individuals shall have a doctor of jurisprudence degree; and

(iv) at least 1 individual shall be qualified as a historian, as determined by the Assistant Secretary.

(B) PREFERENCE.—In making appointments under subparagraph (A), the Assistant Secretary shall give preference to individuals having an academic background or professional experience in Federal Indian policy or American Indian history.

(C) CONFLICTS OF INTEREST.—No member of the Board shall, at the time of appointment or during the 1-year period preceding the date of appointment, have represented, or conducted research for, any Indian group or interested party with respect to a petition for acknowledgment filed, or intended to be filed, with the Assistant Secretary.

(D) STATUS AS EMPLOYEES.—A member of the Board shall not be considered to be an employee of the Department.

(3) TENURE; REIMBURSEMENT.—

(A) TENURE.—A member of the Board—

(i) shall be appointed for an initial term of 2 years; and

(ii) may be reappointed for such additional terms as the Assistant Secretary determines to be appropriate.

(B) REIMBURSEMENT.—A member of the Board shall be reimbursed for reasonable expenses incurred in assisting the Assistant Secretary under this section, in accordance with Department policy regarding reimbursement of expenses for individuals serving as advisory board or committee members.

(4) REVIEW AND ADVICE.—

(A) BEFORE ISSUANCE OF PROPOSED FINDINGS.—At any time before the date of issuance of proposed findings under section 4(d)(1)(B) with respect to a petition for acknowledgment under review by the Assistant Secretary, the Assistant Secretary may request an opinion from the Board with respect to the petition if the Assistant Secretary determines that—

(i) the petition contains 1 or more evidentiary submissions that raise unique issues or matters of first impression relating to 1 or more requirements described in section 5; or

(ii) the Assistant Secretary is unable to determine the sufficiency of evidence for 1 or more of those requirements.

(B) AFTER ISSUANCE OF PROPOSED FINDINGS.—After issuance by the Assistant Secretary of proposed findings under section 4(d)(1)(B), but before issuance of the final determination, with respect to a petition, the Assistant Secretary shall request a review by the Board of the proposed findings.

(C) LEVEL OF REVIEW.—

(i) IN GENERAL.—The Board shall conduct a review requested under subparagraph (B) to determine whether an evidentiary question or deficiency exists with respect to 1 or more requirements relating to a petition.

(ii) LIMITATION BY ASSISTANT SECRETARY OF SCOPE OF REVIEW.—In requesting a review under subparagraph (B), the Assistant Secretary may restrict the scope of the review to address fewer than all matters with respect to a petition.

(iii) LIMITATION BY BOARD OF SCOPE OF REVIEW.—In carrying out a review under subparagraph (B), the Board, in accordance with all applicable professional standards of the members of the Board, may—

(I) confine the review to—

(aa) the evidence submitted; or

(bb) the proposed findings issued under section 4(d)(1)(B);

(II) extend the review to the evidence submitted by petitioners and interested parties;

(III) request that the Assistant Secretary request additional submissions by petitioners or interested parties; and

(IV) recommend that the Assistant Secretary hold a formal or informal administrative proceeding at which the Board may present questions to, and seek additional information from, petitioners and interested parties.

(b) ASSISTANCE TO PETITIONERS AND INTERESTED PARTIES.—

(1) GRANTS.—

(A) IN GENERAL.—Subject to paragraph (2), the Assistant Secretary may provide to a petitioner or interested party a grant to offset costs incurred in submitting—

(i) a petition (including related evidence or documents); or

(ii) a legal argument in support of or in opposition to a petition.

(B) LIMITATION.—In making grants under subparagraph (A), the Assistant Secretary shall ensure that not less than 50 percent of the amounts made available for the grants are reserved for petitioners.

(2) ELIGIBILITY.—The Assistant Secretary shall provide a grant under paragraph (1) based on a demonstration of need of a petitioner or an interested party that is evaluated using such objective criteria as the Secretary may promulgate by regulation.

(3) OTHER ASSISTANCE.—A grant made to an Indian group under paragraph (1) shall be in addition to any other assistance received by the Indian group under any other provision of law.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2004 through 2014.

(c) FEDERAL ACKNOWLEDGMENT RESEARCH PILOT PROJECT.—

(1) ESTABLISHMENT.—The Assistant Secretary shall establish a Federal acknowledgment research pilot project to make available additional research resources for researching, reviewing, and analyzing petitions for acknowledgment received by the Assistant Secretary.

(2) COMPOSITION.—

(A) IN GENERAL.—The Assistant Secretary, in consultation with the Secretary of the Smithsonian Institution, shall identify a variety of independent research institutions that have the academic and research facilities capable of assisting in the review of petitions described in paragraph (1).

(B) PROPOSALS.—The Assistant Secretary shall—

(i) invite each institution identified under subparagraph (A) to submit to the Assistant Secretary a proposal for participation in the pilot project; and

(ii) approve not more than 3 proposals submitted under clause (i).

(C) GRANTS.—The Assistant Secretary may provide a grant to each institution the proposal of which is approved under subparagraph (B)(ii) to assist the institution in participating in the pilot project.

(3) DUTIES.—Each institution approved to participate in the pilot project shall assemble and provide a research team that, under the direction of the Assistant Secretary, shall—

(A) review submissions described in paragraph (1); and

(B) submit to the Assistant Secretary conclusions and recommendations of the research team that are based on the submissions reviewed.

(4) USE OF CONCLUSIONS.—The Assistant Secretary may take into consideration any conclusions and recommendations of a research team in making a determination of acknowledgment under this Act.

(5) REPORT.—Not later than 3 years after the date of enactment of this Act, the Assistant Secretary shall submit to Congress a report that describes the effectiveness of the pilot project.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $3,000,000 for each of fiscal years 2004 through 2006.

SEC. 7. INAPPLICABILITY OF FOIA.

(a) IN GENERAL.—Section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act''), shall not apply to any action of the Assistant Secretary with respect to a petition for acknowledgment under this Act, and the Assistant Secretary shall have no obligation to

provide all or any portion of a petition, or to provide information regarding the contents of a petition, to any person or entity, until such time as—

(1) the petition has been fully documented; and

(2) the Assistant Secretary has published a notice in accordance with section 4(c)(1)(A).

(b) EXCEPTION.—The restriction under subsection (a) on the provision of information contained in or relating to a petition shall not apply to any formal or informal request made or subpoena issued by a law enforcement agency of the United States.

(c) ASSISTANCE FROM ATTORNEY GENERAL.—

(1) IN GENERAL.—The Secretary may request assistance from the Attorney General in responding to requests for information relating to a petition made in accordance with section 552 of title 5, United States Code.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Attorney General to provide assistance requested under this subsection $1,000,000 for each of fiscal years 2004 through 2008.

SEC. 8. EFFECT AND IMPLEMENTATION OF DECISIONS.

(a) IN GENERAL.—The acknowledgment of any petitioner under this Act shall not reduce or eliminate—

(1) the right of any other Indian tribe to govern the reservation of that other tribe (as the reservation exists before, on, or after the date of acknowledgment of the petitioner);

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

(3) any previously or independently existing claim by a petitioner to any property right described in paragraph (2) held in trust by the United States for the other Indian tribe before the date of acknowledgment of the petitioner.

(b) ELIGIBILITY FOR SERVICES AND BENEFITS.—

(1) IN GENERAL.—Subject to paragraph (2), on acknowledgment by the Assistant Secretary of a petitioner under this Act, the newly-acknowledged Indian tribe shall—

(A) have a government-to-government relationship with the United States;

(B) be eligible for the programs and services provided by the United States to members of other Indian tribes because of the status of those members as Indians; and

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

(2) PROGRAMS OF THE BUREAU.—

(A) IN GENERAL.—The acknowledgment by the Assistant Secretary of an Indian group under this Act shall not establish any immediate entitlement to participation in any program of the Bureau in existence as of the date of acknowledgment.

(B) AVAILABILITY OF PROGRAMS.—

(i) IN GENERAL.—Participation in a program described in subparagraph (A) shall be available to an Indian tribe described in paragraph (1) at such time as funds are made available for that purpose.

(ii) REQUESTS FOR APPROPRIATIONS.—The Secretary and the Secretary of Health and Human Services shall submit budget requests for funding for increased participation in a program described in subparagraph (A) in accordance with subsection (c).

(c) NEEDS DETERMINATION AND BUDGET REQUEST.—

(1) IN GENERAL.—Not later than 180 days after a petitioner is acknowledged under this Act, the appropriate officials of the Bureau and the Indian Health Service of the Department of Health and Human Services shall consult with the newly-acknowledged Indian tribe concerning, develop in cooperation with the newly-acknowledged Indian tribe, and forward to the Secretary or the Secretary of Health and Human Services, as appropriate—

(A) a determination of the needs of the Indian tribe; and

(B) a recommended budget required to serve the Indian tribe.

(2) SUBMISSION OF BUDGET REQUEST.—For each fiscal year, the Secretary or the Secretary of Health and Human Services, as appropriate, shall submit to the President a recommended budget for programs and services provided by the United States to members of Indian tribes because of the status of those members as Indians (including funding recommendations for newly-acknowledged Indian tribes based on the information received under paragraph (1)) for inclusion in the annual budget submitted by the President to Congress in accordance with section 1108 of title 31, United States Code.

SEC. 9. REGULATIONS.

The Secretary may—

(1) promulgate such regulations as are necessary to carry out this Act; and

(2) maintain in effect all regulations contained in part 83 of title 25, Code of Federal Regulations (or any successor regulations), that are not inconsistent with this Act.

By Mr. BAUCUS (for himself, Ms. CANTWELL, Mrs. MURRAY, Mrs. CLINTON, Mr. HARKIN, Mr. KOHL, Mr. WARNER, Mr. ALLEN, Mr. FEINGOLD, Mr. SCHUMER, and Mr. GRASSLEY):

S. 298. A bill to provide tax relief and assistance for the families of the heroes of the Space Shuttle *Columbia,* and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, Saturday, February 1 was a sad day for America, and a sad day for the world. In the blink of an eye, we lost the cream of our astronaut corps when the Space Shuttle *Columbia* disintegrated upon re-entry into the Earth's atmosphere.

Our Nation and the world mourns the loss of these heroes: Lt. Col. Michael P. Anderson, U.S. Navy Capt. David Brown, U.S. Navy Commander Laurel Clark, Dr. Kalpana Chawla, U.S. Air Force Col. Rick Husband, Naval Commander William McCool, and Israeli Air Force Colonel Ilan Ramon. The loved ones they left behind mourn the loss of fathers and mothers, sons and daughters, sisters, brothers, and friends.

We have a duty to those who lost their lives for the advancement of science and increasing our knowledge of the world we live in: a duty first to find out what went wrong and make sure it never goes wrong again, a duty to take up where they left off and continue exploring the unknowns of the universe, and just as importantly, a duty to help take care of the loved ones they left behind.

After the horrible day of terrorist attacks on September 11, 2001, Congress paid tribute to the lives lost in those attacks, and in the bombing in Oklahoma City and the anthrax attacks, by expanding certain tax benefits previously only available to soldiers who had been killed in combat zones. The benefits include income tax relief, an exclusion of death benefit payments, estate tax relief and a streamlining of the rules governing the distribution of funds by charitable organizations.

I believe the families of the heroes of the *Columbia* Shuttle mission, and families of astronauts that may be lost in the future, deserve no less.

Military or civilian employees of the U.S. who die as a result of terrorist or military activity outside the U.S., victims of the terrorist attacks of 9/11, of the Oklahoma City bombing and of the post-9/11 anthrax attacks, are generally exempt from income tax for the year of death and the year prior to death. For those that have little income tax liability, a minimum tax relief benefit of $10,000 is provided.

Current law exempts from income tax certain death benefits paid by the U.S. government to soldiers killed in the line of duty. The law also generally excludes from income payments made by an employer to the families of the victims of the terrorist attack of 9/11, Oklahoma City and the anthrax attacks. The exclusion does not apply to amounts that would have been payable if the individual had died for a reason other than the attack.

Current law also provides a reduction in Federal estate tax for soldiers who are killed in action while serving in a combat zone, or as a result of wounds, disease or injury suffered while serving in the combat zone. Comparable benefits are also provided to the victims of 9/11, Oklahoma City and the anthrax attacks. The amount of benefit is equal to 125 percent of the 2001 State death tax credit amount, which effectively establishes a 20 percent estate tax bracket for those who qualify for this benefit.

And finally, we have a streamlined process for the distribution of charitable donations to the families of the victims of 9/11, Oklahoma City and the anthrax attacks. The key element of this process allows organizations that make payments in good faith using a reasonable and objective formula which is consistently applied not to make a specific assessment of need prior to distributing funds so long as the payments serve a charitable class.

My legislation, the Assistance for Families of Space Shuttle Heroes Act, makes all of the above benefits available to the families of the fallen *Columbia* crew, as well as to other astronauts that may be killed in the line of duty in future years.

The seven members of the *Columbia* crew were true heroes. They are deeply missed by their family and friends. Through their dedication to space exploration, they lived their lives to the fullest and made long-lasting contributions to the nation and to the world. Tax relief will never fill the hole that has been left in the lives and hearts of their families by Saturday's explosion.

But astronauts have trouble obtaining private life insurance policies given

the high-risk nature of their jobs, so their families face an uncertain future even as they mourn the loss of loved ones that will never be replaced. This legislation is especially critical for their future. It is one small step we can make as Americans to help these families get through these dark days, and the challenges they will face in the years to come.

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. 298

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 ''Assistance for Families of Space Shuttle Columbia Heroes Act''.

SEC. 2. TAX RELIEF AND ASSISTANCE FOR FAMILIES OF SPACE SHUTTLE COLUMBIA HEROES.

(a) INCOME TAX RELIEF.—

(1) IN GENERAL.—Subsection (d) of section 692 of the Internal Revenue Code of 1986 (relating to income taxes of members of Armed Forces and victims of certain terrorist attacks on death) is amended by adding at the end the following new paragraph:

''(5) RELIEF WITH RESPECT TO ASTRONAUTS.—The provisions of this subsection shall apply to any astronaut whose death occurs in the line of duty, except that paragraph (3)(B) shall be applied by using the date of the death of the astronaut rather than September 11, 2001.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 5(b)(1) of such Code is amended by inserting '', astronauts,'' after ''Forces''.

(B) Section 6013(f)(2)(B) of such Code is amended by inserting '', astronauts,'' after ''Forces''.

(3) CLERICAL AMENDMENTS.—

(A) The heading of section 692 of such Code is amended by inserting '', **ASTRONAUTS,**'' after ''**FORCES**''.

(B) The item relating to section 692 in the table of sections for part II of subchapter J of chapter 1 of such Code is amended by inserting '', astronauts,'' after ''Forces''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2002.

(b) DEATH BENEFIT RELIEF.—

(1) IN GENERAL.—Subsection (i) of section 101 of the Internal Revenue Code of 1986 (relating to certain death benefits) is amended by adding at the end the following new paragraph:

''(4) RELIEF WITH RESPECT TO ASTRONAUTS.—The provisions of this subsection shall apply to any astronaut whose death occurs in the line of duty.''.

(2) CLERICAL AMENDMENT.—The heading for subsection (i) of section 101 of such Code is amended by inserting ''OR ASTRONAUTS'' after ''VICTIMS''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid after December 31, 2002, with respect to deaths occurring after such date.

(c) ESTATE TAX RELIEF.—

(1) IN GENERAL.—Section 2201(b) of the Internal Revenue Code of 1986 (defining qualified decedent) is amended by striking ''and'' at the end of paragraph (1)(B), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) any astronaut whose death occurs in the line of duty.''.

(2) CLERICAL AMENDMENTS.—

(A) The heading of section 2201 of such Code is amended by inserting '', **DEATHS OF ASTRONAUTS,**'' after ''**FORCES**''.

(B) The item relating to section 2201 in the table of sections for subchapter C of chapter 11 of such Code is amended by inserting '', deaths of astronauts,'' after ''Forces''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to estates of decedents dying after December 31, 2002.

(d) PAYMENTS BY CHARITABLE ORGANIZATIONS.—

(1) IN GENERAL.—For purposes of the Internal Revenue Code of 1986—

(A) payments made by an organization described in section 501(c)(3) of such Code by reason of the death of an astronaut occurring in the line of duty after December 31, 2002, shall be treated as related to the purpose or function constituting the basis for such organization's exemption under section 501 of such Code if such payments are made in good faith using a reasonable and objective formula which is consistently applied; and

(B) in the case of a private foundation (as defined in section 509 of such Code), any payment described in paragraph (1) shall not be treated as made to a disqualified person for purposes of section 4941 of such Code.

(2) EFFECTIVE DATE.—This subsection shall apply to payments made after December 31, 2002.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 299. A bill to modify the boundaries for a certain empowerment zone designation; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce legislation to help reverse the devastating population decline and economic distress that has plagued individuals and businesses in Maine's northernmost county. Aroostook County. What the bill does is simple, it will bring all of Aroostook County under the Empowerment Zone program.

To fully grasp the importance of this legislation, it is necessary to understand the unique situation facing the residents of Aroostook County. ''The County'', as it is called by Mainers, is a vast and remote region of Maine known for its expansive forest tracts and rugged terrain. As the northernmost county, it shares more of its border with Canada than its neighboring Maine counties, and has the distinction of being the largest county east of the Mississippi River. Its geographic isolation is even more acute when considering that the county's relatively small population of 76,000 people are scattered throughout 6,672 square miles of rural countryside. There are 208 townships in Aroostook County, however, well over half of the territory remains unorganized as forestland or wilderness.

Anyone traveling in Aroostook County can appreciate what these numbers cannot fully convey. Visiting many remote communities in Aroostook County by car requires navigating long distances on isolated roads, often in wintery conditions. Access by public ground transportation is nonexistent, and air travel is accessible only in the County's two largest towns, each of which has less than 10,000 people.

As profound as this geographic isolation may seem, it is the economic isolation and out-migration that has had the most devastating impact on the region. The economy of northern Maine has a historical dependence upon its natural resources, particularly forestry and agriculture. While these industries served the region well in previous decades, and continue to form the underpinnings of the local economy, many of these sectors have experienced decline and can no longer provide the number and type of quality jobs that residents need. The decline in the region's economy was further punctuated by the closure of Loring Air Force Base in Limestone in 1994. The Maine State Planning Office estimated that the base closure resulted in the loss of 3,494 jobs directly related to the base and another 1,751 in associated industry sectors, for a total loss of $106.9 million annual payroll dollars.

While officials in the region have put forward a Herculian effort to redevelop the region, with nearly 1,000 new jobs at the Loring Commerce Center alone—Aroostook County is still experiencing a significant ''job deficit'', and as a result continues to lose population at an alarming rate. Since its peak in 1960, northern Maine's population has declined by 30 percent to its current level of 76,330. Unfortunately, the Main State Planning Offset predicts that Aroostook County will continue losing population as more workers leave the area to seek opportunities and higher wages in southern Maine and the rest of New England.

In January 2002, a portion of Aroostook County was one of two regions that received Empowerment Zone status from the USDA for out-migration. The entire county experienced an out-migration of 15 percent from 86,936 in 1990 to 76,330 in 2000. Moreover, a shocking 40 percent of 15 to 29-year olds left during the last decade.

The current zone boundaries were chosen based on the criteria that Empowerment Zones be no larger than 1,000 square miles, contain no more than 3 non-contiguous parcels, and have no more than three developable sites greater than 2,000 acres in aggregate. The lines drawn for the Aroostook County Empowerment Zone were considered to be the most inclusive and reasonable given the constraints of the program. However, some of the most distressed communities that have lost substantial population are not in the Empowerment Zone, and economic factors for these communities are the same as those areas within the Empowerment Zone.

The legislation I am introducing would provide economic development opportunities to all reaches of Aroostook County by extending Empowerment Zone status to the entire county. This inclusive approach recognizes that the economic decline and population

out-migration are issues that entire region must confront, and, as evidenced by their successful Round III EZ application, they are attempting to confront. I believe the challenges faced by Aroostook County are significant, but not insurmountable. This legislation would make great strides in improving the communities and business in northern Maine, and I urge my colleagues to join me to support this important bill.

Ms. COLLINS. Mr. President, I am pleased to join my colleague, Senator OLYMPIA SNOWE, in introducing legislation that will modify the borders of the Aroostook County Empowerment Zone to include the entire County so that the benefits of Empowerment Zone designation can be fully realized in northern Maine.

The Department of Agriculture's Empowerment Zone program addresses a comprehensive range of community challenges, including many that have traditionally received little federal assistance, reflecting the fact that rural problems do not come in standardized packages but can vary widely from one place to another. The Empowerment Zone program represents a long-term partnership between the federal government and rural communities, ten years in most cases, so that communities have enough time to implement projects to build the capacity to sustain their development beyond the term of the partnership. An Empowerment Zone designation gives designated regions potential access to millions of dollars in federal grants for social services and community redevelopment as well as tax and regulatory relief over a ten-year period.

Aroostook County is the largest county east of the Mississippi River. Yet, despite the impressive character and work ethic of its citizens, the County has fallen on hard times. The 2000 Census indicated a 15 percent loss in population since 1990. Loring Air Force Base, which was closed in 1994, also caused an immediate out-migration of 8,500 people and a further out-migration of families and businesses that depended on Loring for their customer base.

Unfair trade practices have also struck a blow to the County's economy. Aroostook shares more border miles with Canada than most northern states. It is bordered for approximately 280 miles to the west, north and east by Canada. Canadian farmers and businesses have been extremely competitive in Aroostook business markets; as a result, farmers have experienced a loss in sales which has caused a drop in the potato acreage planted, additional job loss, and still more people migrating from Aroostook County. Aroostook's economic situation has been further worsened by the strong value of the Canadian dollar in relation to the U.S. dollar and the restrictive personal exemption duty limits that Canada imposes on its citizens when they make shopping trips to U.S. businesses on the border.

In response to these developments, the Northern Maine Development Commission and other economic development organizations, the private business sector, and community leaders in Aroostook have joined forces to stabilize, diversity, and grow the area's economy. They have attracted some new industries and jobs. As a native of Aroostook County, I can attest to the strong community support that will ensure a successful partnership with the U.S. Department of Agriculture.

Designating this region of the United States as an Empowerment Zone is vital to its future economic prosperity. However, the restriction that the Empowerment Zone be limited to 1,000 square miles prevents all of Aroostook's small rural communities from benefiting from this tremendous program. Aroostook covers some 6,672 square miles but has a population of only 74,000. Including all of the County in the Empowerment Zone will guarantee that parts of the County will not be left behind as economic prosperity returns to the area. It does little good to have a company move from one community to another within the County simply to take advantage of EZ benefits.

America's greatest success can only be achieved when everyone has the opportunity to enjoy the fruits of a strong economy. It is only fair that all of Aroostook County's population be given the opportunity to fully benefit from the Empowerment Zone Program.

By Mr. KERRY (for himself, Mr. MCCAIN, Mr. KENNEDY, Mr. DASCHLE, Mr. SCHUMER, and Mr. LIEBERMAN):

S. 300. A bill to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KERRY. Mr. President, I am proud to join today with my good friend Senator MCCAIN to introduce our bill to award Jackie Robinson the Congressional Gold Medal. Bestowing upon Jackie Robinson this great honor recognizes not only his stunning athletic accomplishments but also his profound contribution to the advancement of civil rights in the United States.

Jackie Roosevelt Robinson was born on January 31, 1919, in Cairo, GA and was the youngest of 5 children. Robinson attended the University of California at Los Angeles where he lettered in football, basketball, baseball, and track, and he was widely regarded as the finest all-around athlete at that time. After a three-year stint in the U.S. Army, Jackie Robinson began playing professional baseball, at first in the American Negro League. Then in 1947, in a historic move that ended decades of discrimination against blacks in baseball, Jackie Robinson became the first African-American to sign a Major League Baseball contract. That same year he won the National League's Rookie of the Year Award. In 1949, he was voted the National League's Most Valuable Player by the Baseball Writers Association, and in 1962, he was elected to the Baseball Hall of Fame.

Jackie Robinson's signing to the Brooklyn Dodgers in 1947 is so significant because it came before the United States military was desegregated, before the civil rights marches in the South, and before the historic ruling in Brown v. The Board of Education, and it engaged the American people in a constructive conversation about race. Off the field Jackie Robinson was a business leader, a civil rights leader, and a human rights leader. As one of the most popular people in America, in one poll in 1947 he finished ahead of President Harry Truman, General Dwight Eisenhower, General Douglas MacArthur, and Bob Hope, finishing only behind Bing Crosby, Jackie Robinson encouraged the fair treatment of all people. His ideas and principles influenced some of America's greatest politicians, including John F. Kennedy and Dwight Eisenhower.

Jackie Robinson was more than a sports hero he was an American hero. And it is time for Congress to recognize his heroic contributions. On January 31, 2003 on what would have been Jackie Robinson's 84th birthday, a seminar entitled ''Red Sox Tribute to Jackie Robinson'' was held at Fenway Park in Boston. During that tribute Larry Lucchino, President and CEO of the Boston Red Sox, aptly summed up Jackie Robinson's off-field contributions to American society. He said, ''Martin Luther King once said that he could not do what he was doing unless Jackie Robinson had done what he did.''

I urge my colleagues to join us in honoring this great American by cosponsoring our bill to award him the Congressional Gold Medal.

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. 300

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

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Jackie Roosevelt Robinson was born on January 31, 1919, in Cairo, Georgia, and was the youngest of 5 children.

(2) Jackie Robinson attended the University of California Los Angeles where he starred in football, basketball, baseball, and track. His remarkable skills earned him a reputation as the best athlete in America.

(3) In 1947, Jackie Robinson was signed by the Brooklyn Dodgers and became the first black player to play in Major League Baseball. His signing is considered one of the most significant moments in the history of professional sports in America. For his remarkable performance on the field in his

first season, he won the National League's Rookie of the Year Award.

(4) In 1949, Jackie Robinson was voted the National League's Most Valuable Player by the Baseball Writers Association of America.

(5) In 1962, Jackie Robinson was elected to the Baseball Hall of Fame.

(6) Although the achievements of Jackie Robinson began with athletics, they widened to have a profound influence on civil and human rights in America.

(7) The signing of Jackie Robinson as the first black player in Major League Baseball occurred before the United States military was desegregated by President Harry Truman, before the civil rights marches took place in the South, and before the Supreme Court issued its historic ruling in *Brown v. Board of Education*, 347 U.S. 483 (1954).

(8) The American public came to regard Jackie Robinson as a person of exceptional fortitude, integrity, and athletic ability so rapidly that, by the end of 1947, he finished ahead of President Harry Truman, General Dwight Eisenhower, General Douglas MacArthur, and Bob Hope in a national poll for the most popular person in America, finishing only behind Bing Crosby.

(9) Jackie Robinson was named vice president of Chock Full O' Nuts in 1957 and later co-founded the Freedom National Bank of Harlem.

(10) Leading by example, Jackie Robinson influenced many of the greatest political leaders in America.

(11) Jackie Robinson worked tirelessly with a number of religious and civic organizations to better the lives of all Americans.

(12) The life and principles of Jackie Robinson are the basis of the Jackie Robinson Foundation, which keeps his memory alive by providing children of low-income families with leadership and educational opportunities.

(13) The legacy and personal achievements of Jackie Robinson, as an athlete, a business leader, and a citizen, have had a lasting and positive influence on the advancement of civil rights in the United States.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of Congress, to the family of Jackie Robinson, a gold medal of appropriate design in recognition of the many contributions of Jackie Robinson to the Nation.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (in this Act referred to as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 2 at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

SEC. 4. STATUS AS NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medal authorized under section 2.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

SEC. 6. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) there should be designated a national day for the purpose of recognizing the accomplishments of Jackie Robinson; and

(2) the President should issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

SUBMITTED RESOLUTIONS—MONDAY, FEBRUARY 4, 2003

SENATE RESOLUTION 41—HONORING THE MISSION OF THE SPACE SHUTTLE COLUMBIA

Mr. FRIST (for himself, Mr. DASCHLE, Mr. MCCONNELL, Mr. REID, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYHO, Mr. BENNETT, MR. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Ms. CANTWELL, Ms. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. GRAHAM of Florida, Mr. GRAHAM of South Carolinae, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MCCAIN, Ms. MIKULSKI, Mr. MILLER, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. NICKLES, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

Resolved, That the Senate commemorates with deep sorrow and regret the fate of the Columbia space shuttle mission and when it adjourns today, it do so as a further mark of respect to the astronauts who lost their lives.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 42—TO REFER S. 279, ENTITLED ''A BILL FOR THE RELIEF OF THE HEIRS OF CLARK M. BEGGERLY, SR., OF JACKSON COUNTY, MISSISSIPPI'' TO THE CHIEF JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A REPORT THEREON

Mr. COCHRAN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 42

Resolved, That—

(a) S. 279, entitled ''A bill for the relief of the heirs of Clark M. Beggerly, Sr., of Jackson County, Mississippi'' now pending in the Senate, together with all the accompanying papers, is referred to the chief judge of the United States Court of Federal Claims; and

(b) the chief judge shall—

(1) proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code; and

(2) report back to the Senate, at the earliest practicable date, providing—

(A) such findings of fact and conclusions that are sufficient to inform Congress of the nature, extent, and character of the claim for compensation referred to in such bill as a legal or equitable claim against the United States or a gratuity; and

(B) the amount, if any, legally or equitably due from the United States to the heirs of Clark M. Beggerly, Sr., of Jackson County, Mississippi.

SENATE RESOLUTION 43—TO COMMEND DANIEL W. PELHAM

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

S. RES. 43

Whereas Daniel W. Pelham became an employee of the Senate of the United States on March 25, 1968, and since that date has ably and faithfully upheld the high standards and traditions of the staff of the Senate of the United States for a period that included nineteen Congresses;

Whereas Daniel W. Pelham, through his diligence and loyalty, has risen to the position of Senior Offices Services Administrator within the Office of the Secretary of the Senate;

Whereas Daniel W. Pelham has faithfully discharged the difficult duties and responsibilities of his position as Senior Offices Services Administrator with great efficiency, devotion, and dedication;

Whereas he has earned the respect, affection, and esteem of the United States Senate; and

Whereas Daniel W. Pelham will retire from the Senate of the United States on February 4, 2003, after nearly thirty-five years of employment: Now, therefore, be it

Resolved, That the Senate of the United States commends Daniel W. Pelham for his exemplary service to the Senate and the Nation, and wishes to express its deep appreciation and gratitude for his long, faithful, and outstanding service.

SEC. 2. That the Secretary of the Senate shall transmit a copy of this resolution to Daniel W. Pelham.

SENATE RESOLUTION 44—DESIGNATING THE WEEK BEGINNING FEBRUARY 2, 2003, AS ''NATIONAL SCHOOL COUNSELING WEEK''

Mr. GRAHAM of South Carolina (for himself, Mr. DORGAN, MS. MURKOWSKI, Mr. BIDEN, and Mr. REED) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 44

Whereas the American School Counselor Association has declared the week beginning February 2, 2003, as ''National School Counseling Week'';

Whereas the Senate has recognized the importance of school counseling through the