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Senate

The Senate met at 4 p.m. and was called to order by the President pro tempore [Mr. STEVENS].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. William J. Carl III, First Presbyterian Church, Dallas, TX.

PRAYER

The guest Chaplain offered the following prayer:

O God, who made Heaven and Earth, we pause in this moment of national grief to remember heroes who have gone on before us. We watched a tear streak across Heaven's face as *Columbia*'s brave crew gave their lives for us all. Into Thy hands we commit their spirits as we recommit ourselves to the causes for which they died.

As they reached for the stars, they touched pioneer places that gave us glimpses of Heaven and Earth. So we here on Earth release them into Heaven as we say, ''Well done, good and faithful servants.'' Recalling the sober days of September 11, we realize how fragile all our lives are, and yet how resilient our Nation can be. When our lives come apart, You are always there to help us pick up the pieces.

Pick us up now, Lord. Give us courage and hope for the future that lies ahead as we continue to be one people, under God, with liberty and justice for all. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. BOND. Mr. President, on behalf of the majority leader, I announce that today the Senate will be in a period for morning business from now until 6 p.m., with the time equally divided. Senators have requested time to memorialize and reflect upon the Space Shuttle *Columbia* disaster.

There will be no rollcall votes today because many of the Senators are in Houston for the memorial service for the space shuttle crewmembers. An early adjournment this evening is expected.

I yield to the distinguished assistant minority leader.

WISHES AND HOPE FOR A SPEEDY RECOVERY

Mr. REID. Mr. President, I want the record to reflect my expectation that the majority whip will return to work soon. I was saddened to learn that Senator MITCH MCCONNELL had triple bypass surgery. We all know the spunk, spirit, and tenacity he has, and I am confident he will return stronger than ever from that surgery.

On behalf of all Senators, I extend to MITCH and his lovely wife, the Secretary of Labor, Elaine Chao, our best wishes and hope for a speedy recovery.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CHAFEE). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 6 p.m., with the time to be equally divided between the two leaders or their designees.

The Senator from Missouri.

EXPRESSING GOOD WISHES

Mr. BOND. Mr. President, I join with my good friend from Nevada in expressing our good wishes to the distinguished Senator from Kentucky, as well as our good friend, the distinguished Senator from Florida, who also has undergone a very serious operation. We are a family and our thoughts and concerns of those in this body who have had illnesses are with them. We wish them a very speedy recovery. The Senate will be a bit duller and quieter until they return, but I am confident they will do so soon.

TRIBUTE TO THE SPACE SHUTTLE ''COLUMBIA'' ASTRONAUTS

Mr. BOND. Mr. President, I rise today with a heavy heart, which was lifted with the inspiring and thoughtful words of our guest Chaplain. I thank him for helping us see the greater design, the hope for the future, and the good news that we have been given by the Lord.

As did millions of Americans, I spent Saturday watching the dreams of seven brave astronauts streak back to Earth in sadness. The sadness we still feel today, and we will feel for many days, is because those seven astronauts carried our dreams with them.

That is the wonder and the magic of our space program. Our astronauts go into space in large part for those of us who cannot go. Our hearts and our spirits are their cargo. We soar and ride with them into a realm that is beyond the grasp of most men but not beyond the grasp of mankind.

Even while we engage in the somber work of recovering from this terrible accident, in recovering the crew and the *Columbia* itself, our thoughts have already returned to the work of ensuring the safety of the U.S. manned space flight program and of the remaining shuttles. That is one of the responsibilities entrusted to us with the funding and oversight of the space agency.

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Shuttle safety is not a new issue to those of us on the Appropriations Committee—or the authorizing committee—which funds the space agency and its operations. It is our job—my wonderful friend, the Senator from Maryland, Ms. MIKULSKI, and me—to ensure we know and understand each crucial element of the budget that safeguards the lives of our brave astronauts.

Whether during my service as chairman or under the leadership of my able colleague from Maryland, the direction of the VA–HUD and Independent Agencies Appropriations Subcommittee has been consistent throughout. Space shuttle safety is paramount.

I am proud the subcommittee I currently chair has consistently fully funded NASA's request for manned space flight program safety. Nevertheless, nothing about manned exploration of space is or will ever be free of risk. Manned space flight is, by its very nature, life threatening. Flying a space shuttle is nothing less than hurtling across the heavens where a slightest mistake guarantees instantaneous death.

No matter how successful we are, and no matter how many safe shuttle launches we have under our belts, we can never forget the dangers inherent in space travel. We can and should never be complacent.

We have an ironclad social and moral contract with our astronauts: In return for their willingness to place themselves in jeopardy on behalf of all mankind, we in return have an obligation to provide them with all the resources required for a safe flight.

While it is our goal to eliminate risk, to be quite frank, we cannot. We can only minimize risk. That is the cruel reality of manned space flight. Some element of risk haunts every mission. And in the face of such risks, we still have Americans and international partners willing—yes, anxious—to go. They know the risks. Their families understand they are in harm's way and still they dare to live a dream that very few of us can fully appreciate. It is precisely that element of human nature that inspires us to seek challenges greater than ourselves.

To those who question the value of our space program, I ask them: How can you quantify the dreams of millions of children here and across the world? How can you quantify the spirit of discovery? What value should we place on our quest to understand our place in the universe?

Those are the questions we must ask ourselves during this period of recovery. The weeks and months ahead will be filled with questions. So far, we have too few answers.

Our questions did not begin with Saturday's terrible loss of *Columbia*. The subcommittee has had continuing concerns about whether the budget requests from NASA accurately reflect the full safety needs of the space agency and the shuttle program. It is reflected in our reports. It is all in the public record. I know NASA has always placed the safety of our astronauts as its highest priority, we have an obligation to ensure that the analysis of safety, no matter what the cost, is fully disclosed, understood, and addressed. We have labored to do so in the past and will continue to do so in the future.

We recognize that Congress, NASA, and the administration have to live within a budget. At the same time, we cannot allow a budget to force our hand on safety decisions. We have not done so, nor will we. I do not believe NASA has done so, nor this, nor the previous administration. Nevertheless, our concerns on VA–HUD appropriations were heightened by the March 2002 NASA Aerospace Safety Advisory Panel Report which stated that the current budget projections for the space shuttle were insufficient to accommodate significant safety upgrades, infrastructure needs, and the maintenance of critical workforce skills over the long term.

Our most recent report to the appropriations bill endorsed these concerns as well as the need for additional funding for shuttle safety upgrades. Our concerns were sufficient to request that NASA conduct an assessment of future safety needs in light of the shuttle's longer than expected operational life and use. We need to know more and we need to know more now.

NASA has already responded with a request for additional shuttle upgrades and safety funding over the next few years. This was the right response, but we need to know how much more we need to do to ensure that every funding decision continues to make the lives of our astronauts the paramount priority at NASA.

Clearly, we had concerns, and those concerns remain. We must work together to gain greater confidence in NASA's budget.

I applaud and have the highest admiration for NASA Administrator Sean O'Keefe, who is already working hard on this and many more issues at NASA. He took over a troubled agency drowning in cost overruns and out-of-control spending on the International Space Station program. He stopped the bleeding of huge cost overruns and has righted NASA's ship through responsible program management. I look forward, as do, I am sure, the rest of the Members of this body, to continuing to work with Administrator O'Keefe in our efforts to ensure the safety of our shuttle program and the well-being of our astronauts. This will, as always, remain our top priority.

Of course, we must find out what happened to the *Columbia*, fix the problem, and move our space program forward, as the deputy administrator for space so eloquently stated on Saturday. But this is not a simple issue. We have three international astronauts on the International Space Station, two Americans and one Russian. We need to be able to bring them home in complete safety.

The administration is moving forward with two commissions to understand what happened, and to make sure it does not happen again. In addition, I believe it is appropriate to hold a hearing in the appropriations subcommittee on shuttle funding upgrades and safety needs. This is too important an issue not to receive the full attention of the Senate. I assure my colleagues that we will work to provide whatever funding is necessary to meet the immediate needs of the space agency through the remaining months of the fiscal year.

We are currently waiting to hear back from NASA at this moment, and clearly we will provide whatever additional funds are necessary for NASA in the 2003 supplemental, as appropriate, or even if we receive a request in time in the conference report on the 2003 measure that is pending. I will convene a hearing on safety needs as soon as practicable, as soon as NASA has information for us, understanding full well that the immediate needs focus on recovery of the *Columbia*, the crew, and the twin investigations now underway.

At a time of such tragedy, we all function as part of a team with a single mission, to find out what went wrong, and then to take steps to make sure it never happens again. We must and we will leave no stone unturned. There are astronauts who have not yet flown but who will perhaps this year and in 10 years. They dream of carrying our hopes beyond this planet we call home. We must always keep faith with them and their families. We must honor the contract that binds us in this great endeavor.

That dream has not died with *Columbia* and her proud crew. Her dream lives on in the hearts of all of us who look to the heavens on a quiet night in awe and wonder, and we see the *Columbia* still. We mourn for the astronauts and we pray for their families. We shall always remember them, along with the *Challenger* and the *Apollo* crews. The courage of all of the astronauts shall forever inspire our dreams and brighten our hopes for the future.

Manned space exploration is a great challenge, a great opportunity. Yes, there are dangers with it, but fulfilling the hopes and the dreams of those who have gone before is our great opportunity and our obligation.

I yield the floor.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from California be recognized for up to 15 minutes after I complete my remarks.

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

Mr. REID. Mr. President, before my friend from Missouri leaves the Chamber, I say to him that the work he and Senator MIKULSKI have done on the appropriations subcommittee that deals with the funding for the space program

is exemplary. We have gone through some very tough times. There are many Senators who have offered amendments to do away with the space station and defund the space program. I have always been proud of the bipartisan relationship that Senator BOND and Senator MIKULSKI have had in fighting for the space program. It is a program we have to protect. I know there have been editorials saying do away with it; it is not worthwhile, but I really think it is important for so many reasons, not the least of which is to explore space.

The second is, I went running this morning. It was raining. It was windy and cold. I had on a very brief wrap, thin as this piece of paper, but I was warm. Why? Because it was Goretex. It was invented to take people into space.

We have accomplished so much in space that is scientific I think it would be a terrible shame to stop the space programs, and it would not be a legacy of which this country would be proud.

I publicly acknowledge and congratulate the Senator from Missouri and the Senator from Maryland for their exemplary work on the subcommittee.

Mr. BOND. Mr. President, if I may, I wish to extend sincere thanks to the Senator from Nevada for his remarks. Senator MIKULSKI is and has been one of the foremost champions of NASA and its mission. She is in Houston today. I am sure we will hear from her. It is her ongoing and strong commitment to space shuttle safety that inspires and leads all of us, and I thank the distinguished assistant minority leader for his words.

Mr. REID. Mr. President, I join my colleagues in remembering the seven astronauts who perished on the *Columbia* Space Shuttle. Nevadans and all Americans, along with the people of India, Israel, and all over the world, mourn their loss, marvel at their courage, and take pride in their accomplishments. Our country's space program has made remarkable success, but many people often overlook the ingenuity, intelligence, and inspiration that made this success possible. They take for granted the enormous difficulty involved in the extraordinary achievement, asking: If we can put a man on the moon, why can't we solve other problems to overcome other challenges?

The moon landing was a great technological and engineering achievement. That event and subsequent space travel testify to American determination, know-how, and our can-do spirit. But sadly, as the *Columbia* shuttle tragedy reminds us, space travel remains difficult and extremely dangerous. The brave men and women who embark on journeys into the skies are pioneers.

One of the original explorers of outer space is our former colleague in the Senate, John Glenn. He is a true patriot who served our great Nation so well in so many capacities. He was a fighter pilot in World War II, a fighter pilot in Korea, who distinguished himself in many different ways in the skies defending our country's interests. He was later, of course, a test pilot who set a transcontinental speed record, and in 1962 he piloted *Friendship 7* spacecraft in the first manned orbital mission of the United States. He represented Ohio in the U.S. Senate for 25 years, and nearing the end of his final term, he volunteered to return to space at age 77 as part of the shuttle crew that deployed the Spartan solar-observing spacecraft. His encore flight allowed us to learn about the aging process.

John Glenn was part of that select group depicted by writer Tom Wolfe in his fascinating book about the early efforts to explore space. John Glenn indeed proved he has the right stuff.

Another of our Senate colleagues, BILL NELSON, is a veteran of space travel. He and I served together in the House of Representatives when he was chosen to be a crew member on the *Columbia* space shuttle. In 1986, he participated in a 6-day flight that traveled over 2 million miles and orbited the earth 96 times. He returned safely just 10 days before the *Challenger* space shuttle crew was killed.

Senator NELSON has applied his own experience in space to speak passionately about the value of such missions.

In the wake of the *Columbia* shuttle tragedy, it is important that we understand the significance of the shuttle voyages and America's entire space program.

Sending men and women into space further our understanding of the mysteries of the universe, and reveals answers to some eternal and profound questions about the cosmos and the heavens above. In addition, space exploration improves our everyday lives on Earth in ways both big and small because the insight we gain has important applications for our health, environment, safety, comfort and wellbeing.

The *Columbia* shuttle mission was devoted strictly to onboard science, with no spacewalks or space station visits involved. More than 80 experiments were conducted during the 16-day flight, including a study of how zero-gravity affected low-level combustion that might have helped reduce automobile pollution, observations of the sun that could teach us more about global climate change, research into water conservation and reuse, and medical research intended to fight cancer.

So space travel is important to Americans and has benefits for all of us on Earth. I will continue to be a strong supporter of our space program.

Certainly, we must investigate what caused the *Columbia*'s demise—and we must ask difficult questions and get all the answers in order to improve the safety of future astronaut heroes—but now is a time to remember the lives of wonderful crew and to grieve.

I encourage everyone to read the newspaper articles about this diverse team of courageous, dedicated and talented individuals. You will be impressed with, and inspired by, the range and degree of their accomplishments.

Nevadans mourn their deaths and extend our sympathy to all of their families and loved ones. My colleagues will speak about each of the crew members we lost, and I will in the future discuss more of them, but in my brief remarks today, I especially offer my condolences on the loss of *Columbia*'s pilot, William McCool, a Navy commander who was 41 years old. His mother Audrey is a dean at the University of Nevada Las Vegas and his father Barry both teaches part-time at UNLV and is a graduate student there.

''Willie'', as their son was known to family and friends, was an outstanding student who maintained a 4.0 grade point average and graduated 2nd in a class of over one thousand at the demanding U.S. Naval Academy. He also excelled in sports, especially running, and was elected captain of the Navy cross-country team. He was well liked by all. He had a great smile, a ''stunning personality,'' is how his classmates described CDR McCool. Later, after the academy, he received advanced degrees in computer science and engineering and became an elite pilot. He had more than 400 carrier landings. Perhaps the most difficult test for any pilot is landing on those carriers as they bob up and down in the ocean. His parents were proud of him. He was inspired by his parents.

Willie's father, Barry, was a Navy and Marine pilot, a veteran of Vietnam. They built model airplanes together when CDR McCool was a boy. These childhood experiences influenced Willie to pursue aviation and serve his country, as he did so well. His example was set his by father. Barry McCool will now serve on the team investigating the disaster that claimed his son's life and the other six *Columbia* astronauts.

Willie had more than 2,800 hours of flight experience. He reacted to his journey into space with awe and amazement. He said: It's beyond imagination until you actually get it and see it and experience it and feel it . . . I have had the opportunity to be on the flight deck probably more than most of my crew mates, to look outside and really soak up the sunrises, the sunsets, the moonrises and the moonsets, the views of the Himalayas.

For someone who appreciated nature and spending time outdoors hiking and camping, it must have been such a joy to witness the Earth from the heavens where Willie now resides. My thoughts and prayers are with CDR McCool's parents, with his wife, his three sons, and all of his loved ones.

Let me also note that David Brown, a Navy captain, aviator, and flight surgeon, who was also lost aboard the flight *Columbia*, was an instructor at Fallon Naval Air Station in Nevada, the premier tactical air warfare training facility.

Even after the loss of their children in the *Columbia* shuttle tragedy, the mothers of both these crewmembers want the space program to continue. Dorothy Brown said in an interview: We're a nation of explorers. That's why this great Nation has come to what it is, and the space program will go on, too, for that reason. Audrey McCool, CDR McCool's mother said: We're very distressed, but we want the space missions to go on.

What strong women these grieving mothers are. We can surely be inspired by them, as well as their sons and the entire *Columbia* crew.

I am reminded of a poem that came about as a result of a revolution in Ireland. The poem that came from that I have on my desk. I read to the Senate today ''The Mother.''

I do not grudge them: Lord, I do not grudge
My two strong sons that I have seen go out
To break their strength and die, they and a few,
In bloody protest for a glorious thing.
They shall be spoken of among their people,
The generations shall remember them,
And call them blessed;
The little names that were familiar once
Round my dead hearth.
Lord, thou art hard on mothers:
We suffer in their coming and their going:
And tho' I grudge them not, I weary, weary
Of the long sorrow—And yet I have my joy:
My sons were faithful, and they fought.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I ask unanimous consent immediately following my remarks, Senator ENZI be recognized for 8 minutes, and Senator LEAHY for 10 minutes after Senator ENZI.

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

Mrs. BOXER. Mr. President, I rise on behalf of the people of my State, California, who have very strong ties to the space program and the shuttle program. Today I pay tribute to the seven astronauts who lost their lives in the *Columbia* disaster. Our Nation and the world deeply mourn their loss. These seven brave explorers—Rick Husband, William McCool, Michael Anderson, Kalpana Chawla, David Brown, Laurel Clark, and Ilan Ramon—gave their lives to extend the frontiers of science. With their mission accomplished, the shuttle and its crew were returning to Earth in triumph. So near to landing, yet so far. As we all know, the flight ended in tragedy.

We know that we gained valuable new knowledge and understanding of space from this mission, from *Columbia*. But we have lost something that is truly priceless, the lives of seven outstanding men and women who had worlds left to conquer. As we look at their faces, our best and our brightest, we grieve for their families.

I wish to say a few words about three of the astronauts who had special connections with my home State of California.

William McCool, pilot of the *Columbia,* was born in San Diego, where he spent much of his first 15 years. His NASA assignment capped a distinguished Navy career as a test pilot, avionics researcher, and administrative and operations officer.

Dr. Kalpana Chawla lived and worked in California from 1988 to 1994. After 4 years at the Ames Research Center near Sunnyvale, she joined Overset Methods, Inc., of Los Altos, as vice president and research scientist. There she formed and headed a research team that made important advances in computational field dynamics, particularly in streamlining the flow of air over vehicles during launch.

Like Willie McCool, Kalpana Chawla had character traits that are often associated with California such as a great sense of adventure and a desire to stretch the boundaries in her case of traditional women's work—and she did.

Rick Husband, *Columbia*'s commander, served as an instructor pilot and academic instructor at George Air Force Base in California and attended test pilot school at Edwards Air Force Base in California. Working through a college extension program at Edwards, he then earned a master's degree in mechanical engineering from California State University at Fresno in 1990. In November 2002, citing his role as astronaut and mission commander, the Fresno State Alumni Association honored Colonel Husband at its Top Dog Alumni Awards ceremony. A proud Fresno State alumnus, he wore his red Bulldog sweatshirt in space aboard *Columbia.*

The people of my State are proud of our connection to these three astronauts. We honor their memory, along with that of their crewmates, Michael Anderson, David Brown, Laurel Clark, and Ilan Ramon. We know, of course, since we did have an Israeli on board, this has become an international tragedy. We send our condolences to the family of Astronaut Ramon and to the Government of Israel.

I stated how proud my people at home are of our connection, not only to these astronauts but to the shuttle program. California was the birthplace of the shuttle. All were built in California, in Palmdale. The Jet Propulsion Lab in Pasadena was instrumental in development of the shuttle, and most years, shuttle missions ended with landings at Edwards Air Force Base.

So this has hit home to us. We shall forever honor and remember these seven heroes, as we build on their accomplishments and carry on their important work. May God bless their memories and comfort their families and colleagues and inspire future explorers with the courage to follow in their footsteps.

As we honor these courageous men and women, we must also begin the task of finding the answers—answers to the hard questions why and how do we prevent these happenings—questions about the cause of this tragedy and also about the future of space exploration. As a member of the Senate Commerce Committee, which has oversight over NASA, I will be asking many questions in the weeks ahead. Could the *Columbia* disaster have been prevented? We know that space travel cannot be completely foolproof, but are there steps that could have been taken to prevent this weekend's tragedy? Was the shuttle program compromised by budget cuts and cost-cutting?

I support a strong space program, but you can't do it on the cheap. Were safety warnings ignored or, worse yet, suppressed? Were members of NASA's safety advisory board removed after raising these questions?

Yesterday, the New York Times reported that five members of NASA's Aerospace Safety Advisory Panel—that is more than half the panel—were dismissed shortly after warning about safety problems. And a sixth member of the panel was so disgusted with the dismissals that he quit. There are allegations that these panelists were removed as a result of their critical statements about safety problems. We need to get to the bottom of this matter. I have written to Senator MCCAIN and Senator HOLLINGS, the chair and ranking member of the Commerce Committee on which I serve. I have asked them to invite the members of the safety advisory panel, many of whom were fired, one of whom quit, to give their testimony.

I also asked that Senator John Glenn be invited. He is a major supporter of the space program and he really has important things to say. I spoke with him. I don't even want to quote what he said because I think he knows so much and should say it in his own way, as to what we need to do here. As a former Senator and as an astronaut, he brings an incredible expertise to the table. I know he has the respect of all my colleagues on both sides of the aisle.

Let me say there is one thing that is not an issue in my mind and that is the future of the manned space program. I strongly support that. But now is the time to use this moment to examine the future of space exploration. For example, what is the future role of the space shuttle? Are the existing shuttles sufficient to carry out the mission? Are they in good enough condition—excellent condition, perfect condition—to carry those men and women in the future? What is the role of the International Space Station? Is too great a share of our limited resources being spent on the space station? Is too much money on the space station being spent on maintenance rather than scientific experiments?

I have read that the astronauts are saying they are scientists and they are spending 80 percent of their time on the platform, on the space station, keeping house, doing maintenance on the space station rather than the experiments they really want to do.

What about a possible manned mission to Mars, which seems to have disappeared from anyone's agenda? Most

fundamentally, how do we recommit ourselves to a space program that captures the imagination of America, and what would this take in terms of funding its goals?

So we need to ask all these questions and we need to get the answers. We have to work together, across party lines, to come up with this vision. Whatever we come up with, it needs to be funded, funded in a way so safety will never be at issue; we will know that we have done every single thing we could possibly do.

The family of *Columbia*'s crew has said, ''the bold exploration of space must go on.'' I fully agree with them. But it sits on our shoulders, those of us here who are called upon to fund this program, to make sure we are funding it in the right way; that we are not wasting dollars but that the dollars are going to ensure that the program's goals are met; that there are clear goals; and that safety comes first.

Over the past two decades, shuttle crews have carried out scores of experiments in space that have helped to advance science on Earth. For example, they have studied the effects of gravity on humans, animals, and plants. They have tracked the movement of fault lines on the Earth's crust, something very important to many of our States, particularly mine. They have gauged the impact of typhoons and other storms. They have measured changes of forest cover in remote areas of Alaska and Canada. And they have helped archaeologists locate the long lost city of Umar, a 4,000-year-old settlement on the Arabian peninsula.

Many shuttle missions have included medical researchers who used the environment of space to further their understanding of cell growth, human metabolism, and a variety of diseases.

We have much to be proud of in these days as we mourn.

I will join Chairman MCCAIN and the other members of the Commerce Committee in seeking to determine the cause of the *Columbia* disaster and outlining the steps we must take to avoid its recurrence. At the same time, I will work to define the goals and the mission of the space program and make sure the funding is there for accomplishing the mission in the safest possible way.

In closing, I can't help but remark that their faces—those beautiful faces—will stay with me for a long time, and that they represent the hope and the promise of our future.

Mr. President, as you sit with me on the Foreign Relations Committee, I know all of our Members on both sides are very concerned that we protect the lives of not only our young people but young people all over the world, and that we will find a way to do that which makes sense for our stronger Nation.

We are reminded when we read what the astronauts say every time a different astronaut goes up: what a fragile planet we live on. It always renews my commitment, as I am sure it does your commitment, Mr. President, that we must protect this planet—the air, the water, the forests, and the wetlands. They are a gift from God.

In memory of those who lost their lives this weekend, we will continue to explore and we will continue to reach for the stars. We should do no less.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Wyoming is recognized.

Mr. ENZI. Thank you, Mr. President. I thank the Senator from California for the challenges which she placed before us as well as the memories to which she spoke.

Today, here in the Senate and the House, in Houston, TX, all across the country, and in places throughout the world, people of all faiths and from all walks of life will take a moment to remember the tragic loss of the crew of the Space Shuttle *Columbia* this past weekend. As we do, we will put aside our differences and come together as a family to remember those who were lost and the great cause for which they gave their lives.

For me, the story of this past weekend's events begins when I was growing up—a Boy Scout who was fascinated by rockets and rocketry. That interest continued to show itself as I became a young man who was fascinated by the two latest creations of the day—television and the start of our space program. As science worked to develop the tools we would need to explore outer space, television gave us all a front row seat so we would see what was happening.

Back then, the early successes in rocketry—mostly by Russia—fired our imaginations and steeled our will to win the race to reach the heavens. It was only natural for me and the people of Wyoming to feel so moved. After all, we were the products of the pioneer spirit. Our ancestors had left the comforts of the East behind and headed West looking for a new life and to explore what was then the new frontier. They were pioneers.

As television became a more common addition to our homes, it brought the next new frontier—space—into our very living rooms. Each day we could see the latest events of the day that were happening around the world beamed right into our living rooms. We watched in fascination as things that were happening miles and miles away were seen right in the comfort of our own homes. For me, the stars of the sky came in second place in importance only to the stars of the space program. Me and all of my friends, especially those who had been in the Scouts, wanted to be just like them.

I still remember the days when we would go to a local field and work on our own experiments in rocketry. Then, as we grew older, when a new flight was announced by NASA, we would grab the first chance we had to watch it as the miracle of television brought the wonders of space flight to our homes and our schools.

Competition was with the Russians. But now there is cooperation with the Russians in space and with the space station.

Our efforts to explore space and the continuing impact of seeing it all live on television made for a powerful pair as we heard the words of John F. Kennedy as he challenged the Nation to land a man on the moon. His vision led us onward and upward. And it wasn't all that long afterwards that my wife and I—newlyweds—felt a personal stake in what we saw on the television before us. We sat spellbound as we watched Neil Armstrong take his one small step on the Moon that meant so much for all mankind.

Neil Armstrong was part of a long line of astronauts who braved the odds to do the impossible as, together as a nation, we reached for greatness. Over the years, there had been disappointments, failures and tragedies, but with each success we felt like we had a grip on the process and that the odds would be forever in our favor.

Somewhere along the way in the years that passed, we forgot that space is a cold, unfriendly place and that space flight brings with it great risks and dangers as well as great rewards. We forgot the lesson learned from the early days of the space program—that when we dream great dreams and achieve great successes, we are also courting great danger.

We think of the shuttle as an airplane. And we know how safe airplanes are. That danger was brought painfully home when we launched the Space Shuttle *Challenger.*

All at once and without warning, the reliable space machine we had come to trust and take for granted blew up and disintegrated before our eyes.

I remember that day so well because it was the day we were to send our first educator into space, Christa McAuliffe. In schools all over the country, children and their teachers watched excitedly as a school teacher prepared to make her voyage into space. When it ended in tragedy, a lot of fathers and mothers sat down that night with their children to talk about what they had seen at school that day. They got a lot of tough questions from little children with sad eyes who wondered why these things have to happen.

Mothers and fathers have no answers for those questions and they can only say that sometimes bad things happen to good people. They can only hug and hold and remind their little ones that there is a God and somehow He works all things for His good. Someday we may know what that good is. But for now, all we can do is trust and hope and pray.

Now we have felt that pain for a second time. The first brought us an awareness of the risks we take in exploring the unknown. It reminded us that despite the best of planning and

preparation sometimes things happen that we could never have possibly prepared for. Now we watch these events unfold for a second time with a different sense—and from a different perspective. We remember the risks of space flight. But, as we mourn those who were lost, we renew our feeling of determination and our resolve to succeed no matter the odds or the obstacles to be overcome.

The crews of the *Challenger* and the *Columbia*—those modern day pioneers—will be forever linked in our minds, tied together by the same terrible helplessness we felt as we watched both tragedies unfold. Each time we searched for answers that we knew would never come. In the end, each time we found ourselves more determined than ever before to move ahead, and to continue the exploration of space that must never end. And, in the end, that is the important lesson we will take with us. We may experience defeat, but we will never be defeated. In this and all we pursue in life, we will ultimately succeed as long as we hold true to our dreams and follow our star.

And the success is far-reaching. I have a heart repair that would not have been possible without the space program. Science moves on, stimulated by the unknown and represented by space.

When the crew of the *Challenger* died, President Reagan comforted the Nation with the words that the crew that had slipped the surly bonds of Earth had reached out and touched the face of God. This past weekend, President Bush assured us that the ''God who names the stars also knows the names of the seven souls we mourn today.''

Then and now, both crews left us with our eyes gazing toward the skies and the heavens above, hopeful and prayerful that if they had to leave us, they had done so in pursuit of a better place as they returned, not to Earth, but to their home in God's holy heaven.

This night, and the next, and for many to come, when we go out on our back porch or sit in the backyard and look up at the stars, we will remember the *Challenger* and the *Columbia* and their valiant crews. The lights of the sky will remind us of their indomitable spirit and our pledge that as long as there are stars in the skies, we will never stop reaching out to them to explore, to dare and to dream in space and on Earth. That is our life, our legacy and our shared vision as Americans. It is what makes us unique, and it is why our nation will always be known as the land of the free and the home of the brave.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, as I listen to my friend from Wyoming and my friend from California and others who are speaking in this Chamber today, I am reminded of what I heard throughout the State of Vermont this past weekend while I was home—whether it was people who stopped me in a grocery store and just wanted to reach out and touch somebody—perhaps we would embrace for a moment—or whether it was coming out of mass on Sunday at the church, where the same thing occurred—the people have felt such sorrow and shock. There is no other way you could express yourself.

Those of us who have grown up seeing the space program have seen so many of the triumphs. I still remember our own colleague, Senator John Glenn, a man I was elected with in the same year, in his amazing orbit of the Earth. Then later, when he was well into his 70s, he had another trip as an astronaut. We saw that too. We saw man's first steps on the moon, of which every one of us remembers exactly where we were when that occurred. We also remember exactly where we were when the *Challenger* was destroyed. And I suspect we will always remember exactly where we were when we got the news about the *Columbia* space shuttle.

Today we are so connected automatically, with live television, radio, and friends and neighbors calling us when something such as this happens, a tragedy which unites not only the whole country but the whole world. Everybody seems to know it almost immediately.

So, as so many other Senators, I rise to pay tribute to the seven astronauts who lost their lives in the *Columbia* tragedy last Saturday morning. Here was this magnificent space vessel, with these seven wonderful, exemplary human beings, streaking across the sky dozens of miles above the Earth at eight times the speed of sound; and then, suddenly, *Columbia* disintegrated.

A clergyman in Florida aptly described the fiery contrails we watched repeatedly on Saturday as: ''a glistening tear across the face of the heavens.'' There is nothing I could write that would say it any better.

We were and are sad not only because of the loss of these heroes and the interruption of space exploration, but because this tragedy reminds us of other astronauts who have paid the ultimate price.

As with every national tragedy, we rise from the shock and the sadness through commemoration and perseverance. We heard the President of the United States, who spoke shortly after the tragedy, and again eloquently today, as did others in Texas. The President tells us—and we know in our hearts—we cannot forget these heroes: Rick Husband, William McCool, Michael Anderson, David Brown, Kalpana Chawla, Laurel Blair Salton Clark, and Ilan Ramon. Each represented a special kind of intelligence, dedication and energy we should all aspire to, and certainly all young people in this country should aspire to.

Over and over we have read their biographies, their stories. We have heard their neighbors, their friends, their teachers, their classmates, and their fellow astronauts tell of the barriers they had to overcome in their lives and the almost superhuman rise above senseless bias and discrimination. They will be missed, but they will continue to stand as models. I hope we will continue to read of their stories because they are role models for us here in the United States, but also for those in Israel, as with COL Ramon, and for those in India, and really for everyone across the globe.

Someone said: This is such a public tragedy. But that is the way the space program has been. We have shown publicly our triumphs, and we have shown publicly our disasters. We have shown the fears and the overwhelming thrills over the years.

I close with this, Mr. President: To remind everybody we are at the bicentennial of the congressional authorization for the Lewis and Clark exploration of the West, when President Thomas Jefferson said: Go forth to explore the West and our boundaries. And the Congress said to go forth.

Lewis and Clark knew no frontiers. They did not know what they would find. And these astronauts knew no frontiers. We Americans have never known frontiers.

So we will find the cause of *Columbia*'s loss. We will fix it. The shuttle program will continue. The manned space program will move forward. We will return to space. It is our destiny, I believe. And there, in the spirit of the seven, we will again invest our knowledge and resources to learn about our origins, our daily lives, and, maybe, catch a glimpse of the future.

I see my friend from Oregon in the Chamber. I yield the floor.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Oregon.

Mr. SMITH. Madam President, I express admiration for Senator LEAHY's words and for the contribution that many of our colleagues will make in this Chamber to try to give expression to their own feelings and, more importantly, to the feelings of those who reside in our respective States.

I am mindful that in each one's own way and on one's own terms, every American—every Oregonian, suffers from the *Columbia* tragedy. All I can do is reflect on what I feel, but I think that in saying what I will today, it is similar to what many also feel.

As an American citizen, as someone who is 50 years old, I have always taken particular pride that we are descended from Pilgrims and pioneers. We have a history, a heritage, a legacy that stretches from Columbus to *Columbia*. We are the children of an American spirit that believes in discovery, in development, in pioneering new ways, and exploring new frontiers.

I remember, as a young boy, the experience of hearing about the Russian launch of *Sputnik*, and seeing the satellite in the sky as it made its way over the American continent.

With particular wonder, I remember, as an elementary school boy, how

Weekly Reader—which was something we would always spend time learning from—began to fill with stories of our own space program.

I remember, like many of my colleagues, taking inspiration from the leadership of John F. Kennedy challenging us in pursuit of the new frontier and in a man landing on the moon and his safe return.

I remember, with great pride, the launch of Alan Shepherd as part of the Mercury program, just to see if man could live in outer space.

I remember, as an elementary school boy, attending the parade that was held in Washington, DC for John Glenn. Little did I realize that one day I would have the privilege of serving with John Glenn in the U.S. Senate. I remember his parade down Pennsylvania Avenue and how we, as a new generation of Americans, celebrated the renewing of the American spirit of exploration.

I remember following with great interest the Apollo program and being inspired by the remarkable realization that two Americans were on the Moon. Neil Armstrong is a hero, the first to make that small step for man but that giant leap for mankind. I remember the pride I felt when the Apollo program was merged with the Soyuz program and began to break down the cold war barriers with Russia. Then, of course, the space shuttle came and we watched with awe as this new configuration of the space program inspired us all in the new possibilities of learning and discovery.

I don't think any of us will forget that day that *Challenger* went down and the heartache we felt as it exploded upon its launch. Now we add the memory of watching *Columbia* disintegrate as it reemerged into the Earth's atmosphere.

Where do we go from here? As we stand on the verge of a foreign conflict and struggle with our economy, it is entirely appropriate for Congress to look at the space program and, with our President, set new goals. I hope they will include a space station, even a Moon station, and eventually a landing on the planet of Mars. That reflects the highest standards of American leadership. This demonstrates America's courage and it will firmly fix, in the firmament of heaven, America's place among the leadership of nations.

My final thoughts are to the families. As we witnessed the ceremony today, we all grieve for the parents and the children of these astronauts who have lost their parent or their child. I am reminded of an admonition that the only way to take sorrow out of death is to take love out of life. Death often looms as the ultimate calamity, but it need not be if we keep it in perspective of eternity.

Some time ago, I was attracted to a monument I saw in England. Its words seem appropriate at this occasion. They were about time. As I looked at these families who are suffering and saw how tragic death loomed for them, I am sure they wondered how they could endure time without their loved one. This monument said: Time is too slow for those who wait, too swift for those who fear, too long for those who grieve, too short for those who rejoice, but for those who love, time is eternity.

I add my voice to those of my colleagues here today to say God bless the memory of Rick Husband, William McCool, Michael Anderson, Kalpana Chawla, David Brown, Laurel Clark, and Ilan Ramon of Israel. To them I say: Godspeed.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I thank my colleague from Hawaii for allowing me to proceed ahead of him. I certainly appreciate his kindness.

I rise today to salute the seven astronauts aboard the Space Shuttle *Columbia* who lost their lives as they endeavored to conquer the vast unknown of space.

I would like to take a moment to praise the work of Commander Rick Husband, Pilot William McCool, Mission Specialist Kalpana Chawla, Mission Specialist David Brown, Mission Specialist Michael Anderson, Mission Specialist Laurel Clark, and Payload Specialist Ilan Ramon.

These great heroes will always be remembered for their willingness to carry the hopes and aspirations of a country with them into space, even though they made the ultimate sacrifice for their efforts.

I know the months and years ahead will be filled with debate over many issues surrounding this tragedy.

Certainly, we will hear questions asked about the ongoing funding of NASA and the safety concerns surrounding such adventurous exploration.

The Nation will need answers to these questions.

Hearings should be held. Investigations should be conducted. But in the final analysis, let us not forget how valuable the space program is to our country and to the American spirit.

I would like to ask my colleagues, administration officials, and NASA to proceed with their investigations in a prudent manner and return our astronauts to space as soon as possible.

I would like to see a renewed focus for NASA, a focus that would rival President Kennedy's challenge to be the first Nation to send a man to the moon.

This can only be done by pressing forward with bold new space initiatives and not by prolonged critiquing and endless investigations.

Just the mention of the word ''space'' conveys so many special meanings to each of us.

Thoughts of heroes such as Buzz Aldrin and Neil Armstrong come immediately to mind. In many ways, our Nation is defined by the adventurous space program which has been a part of our national heritage for over 40 years.

Terms such as courage, bravery, and pioneer are not afforded to those who take no risk and who sit on the sidelines and watch. No, those terms are reserved for people and nations willing to take risks in order to learn and advance the knowledge of all mankind. As President Reagan said, in the face of the loss of the Space Shuttle *Challenger,* ''The future doesn't belong to the fainthearted; it belongs to the brave.'' The seven astronauts who piloted the Space Shuttle *Columbia* heard that call and will forever be remembered for their bravery.

No American relishes the loss of life and the sacrifice of those courageous astronauts. But every American is thankful for the willingness of these astronauts to press forward—even when the risks are so great—in order to provide more knowledge and nurture a new generation of scientists who are inspired to look at the universe differently every time astronauts venture into the darkness of space.

The space program is so vitally important to our Nation's science education. Every year, bright, energetic, wide-eyed students enter the Nation's school systems and are motivated by the new scientific findings in our universe. They grow to love science, a love that will stay with them throughout their lives and continue to propel our Nation's scientific discoveries into the future.

We cannot let that love die. It is our duty to push the envelope, to explore the outer reaches of our universe. Innovation and determination shape our scientific future and the space program is such a crucial part of that.

My home State of Utah has long been actively engaged in America's space program. Our own Richfield, UT native, former Senator, and my friend, Astronaut Jake Garn, left Cape Canaveral on the Space Shuttle *Discovery* in April 1985 and return to earth over 6 days later after having orbited the earth 110 times.

As well, ATK, a leading-edge aerospace company based in Utah provides state-of-the-art solid rocket motors which makes the idea of people being able to fly through space a reality.

Utah's contribution to the success of our Nation's space program goes on and on, but let it suffice to say, that the entire State of Utah mourns for the loss of these brave astronauts. We pray for their families and those they have left behind.

Now is not the time to take a huge step backward in our space program and send the message to the next generation of Americans that when things get hard or when plans go wrong, we should give up . . . give up and let our dreams and aspirations fall victim to a task that appears hopelessly difficult.

No, now is not that time.

Now is the time when we need to stare adversity in the face. Learn from past mistakes. Refocus our vision on what we can accomplish by working together toward a unified goal. Now is

the time to raise a new generation of heroes and teach them how to overcome difficult circumstances.

Yes, America will continue its space program. We will be more than mere spectators of the universe. We will be active participants and we will train a new generation of explorers who will build on the foundation laid by these great astronauts abroad the Space Shuttle *Columbia*. Who knows what this new generation may discover? With the rapid pace of technological advances and the courage to conquer the unknown, it is sure to be something great.

Elaine and I send our very strongest condolences to the families of the astronauts who have lost their lives in the service of their country. We will pray for those families and pray that somehow they will be comforted in this hour of need.

I personally know what it is like to lose a member of the family while serving our country. My older brother was killed in the Second World War at the Ploesti oil raid that helped to knock out Hitler's oil supply. It was a very difficult thing for our family, and it still is. In the last month, I have been reading the letters he wrote to my mother and I have gotten to know him better than I ever thought I would—as a person who gave his life for us and did it willingly so that we might be free.

These astronauts have given their lives for us and they have given them willingly, helping us to be free, to have a better society, to explore in this day and age, much like Lewis and Clark did in their day and age, the outreaches of the universe and help us to gain scientifically every step of the way. I am grateful to them and their families and I pray for them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Madam President, I rise today to join my colleagues on this sad and solemn afternoon to honor the lives of our brave astronaut heroes: the seven crew members of the Space Shuttle *Columbia* who were lost Saturday morning on their return from a 16-day scientific mission in outer space.

As we honor the memory of the *Columbia* crew, Shuttle Commander Rick Husband, Pilot William McCool, Payload Commander Michael Anderson, Mission Specialist Kalpana Chawla, Mission Specialist David Brown, Mission Specialist Laurel Clark, and Payload Specialist Ilan Ramon, I send my heartfelt sympathy to their families and loved ones.

This is a national and international tragedy that has brought people and nations around the globe together in grief and remembrance. The men and women onboard the *Columbia* epitomized the best and brightest our country has to offer, and the participation of other nations in the shuttle program illustrates the collaboration and interconnection between America and other nations in the peaceful exploration of space and progress of scientific inquiry. The *Columbia* crew, like most of the men and women in our space program, came to NASA as successful and respected leaders from their respective professions. As scientists, doctors, surgeons, aviators, and military officers, they sought to share their expertise in the service of our Nation and mankind. In the decades since *Sputnik* and John Glenn's orbital mission of the earth in the *Friendship 7*, people around the world have been fascinated with possibilities of space exploration. The shuttle program opened the reality of space exploration to astronauts from many nations and caught the interest of young people around the world.

Colonel Ramon, Israel's first astronaut and one of his nation's premier air force pilots, captured the imagination of the Israeli people. His participation in the shuttle program stirred a great sense of pride and hope in a nation that has endured so much conflict and violence over the past two years. Dr. Kalpana Chawla, the first Indian-born woman to go into space, is a national heroine in India and a great inspiration to young people in both that land of her birth and her adopted home, especially young women and girls who saw Dr. Chawla as a role model for the possibilities and opportunities available to them.

As we mourn the loss of these brave individuals, men and women who willingly assumed the risk of space travel in their dedication to science and the expansion of human knowledge to new frontiers, we are reminded of the human spirit for exploration and discovery. Indeed, the quintessential trait of the American national character is the sense of adventure and curiosity that led pioneers and homesteaders westward, impelled men and women in Europe and Asia to emigrate to a new, vast, and unknown Nation with only the promise of opportunity and prosperity, and embraced President Kennedy's challenge to put a man on the moon.

America has been peopled by men and women driven by this spirit, and it is a quality we greatly admire and respect in our leaders and fellow citizens. The crew of the *Columbia* fully understood that there are many dangers associated with space flight, but looked beyond them while seeking to bring forth wisdom and reason from the vast unknown through space exploration and research. The crew understood that the experiments they were conducting on a wide array of medical and scientific subjects held the promise of major scientific advancements and benefit to mankind.

In the coming weeks and months, we must investigate what caused this tragedy and ensure that manned space flight is safe for our men and women who dedicate their lives to space exploration. As we scour the earth for answers to this tragedy, we must not lose sight of the heavens, or allow our fascination with exploring, discovering, or dreaming to wane. For by reaffirming our resolve to explore the wonders and mysteries of the universe, we honor the memory of the *Columbia's* crew, and the memory of all those astronauts who lost their lives in our Nation's endeavor to understand outer space.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. AKAKA. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. AKAKA. Mr. President, I ask unanimous consent that the time under the quorum calls be equally divided; in addition, I ask unanimous consent that the previous quorum calls be equally divided.

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

Mr. AKAKA. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. MURRAY. Madam President, I join my colleagues in expressing our gratefulness to the seven heroes who were lost on the Space Shuttle *Columbia* Saturday as they completed a mission of science to benefit the world.

I also share my thoughts and prayers with the families they've left behind.

Over the past few days, we have seen an outpouring of support from people all over the world for these seven remarkable individuals, and the work they carried out so selflessly.

From formal memorial services—like the one held in Houston today—to more spontaneous tributes throughout America, Israel, India and other nations, people around the world have shared their words of loss and appreciation.

Frankly, there is little I can add to the chorus of eloquent voices we have heard over the past few days.

But what I can do—and what I am honored to do on behalf of the people I represent—is to share with the Senate how two members of this amazing crew touched the lives of many in my home State of Washington.

Columbia pilot William McCool was a Commander in the United States Navy. He served two tours at Naval Air Station Whidbey Island in Washington State.

Commander McCool was an EA–6B pilot serving in both the Tactical Electronic Warfare Squadron 133 and the Tactical Electronic Warfare Squadron 132.

His colleague, *Columbia* Payload Commander Michael Anderson, was a

Lieutenant Colonel in the United States Air Force. Colonel Anderson had long ties to the Spokane area in Washington State.

Both of these astronauts touched lives in Washington State. Both were accomplished pilots. Both were pillars in their communities. Both were strong family members.

On Saturday afternoon, I called the Commander of the Naval Air Station Whidbey Island. Over the years, I have had an opportunity to work with the fine crews at NAS Whidbey Island. I have shared both good times and bad times with them. When I called on Saturday just a few hours after the disaster, I knew the air crews and the families would be struggling with Commander McCool's death.

I spoke with Captain Steven Black. I had expected to hear stories of Willie McCool's service at NAS Whidbey earlier in his distinguished career. I heard that—and so much more—as Captain Black told me about this man who was so revered by his fellow Naval airmen at Whidbey.

Willie was a role model to young flyers at Whidbey. They all followed his career and his many accomplishments in the Air Force and as an astronaut with NASA.

Captain Black told me about his recent E-mails with Commander McCool.

Just 2 days before, Commander McCool took the time to E-mail his friends and colleagues at Whidbey. Whidbey Island had an effect on Willie McCool. And Willie McCool had an impact on NAS Whidbey Island that lives on in the mission and the talents of the Naval personnel serving there.

As Captain Black told a reporter,

> Willie flew the skies of Washington state. He was a talented pilot. He was very enthusiastic about his work. He had a contagious sense of awe and wonder at the science behind the flying he loved.

And Commander McCool touched lives in communities beyond NAS Whidbey.

One of those communities is Anacortes, WA, where he and his family lived and continue to own a home. Anacortes is north of Oak Harbor and NAS Whidbey. It is a small town that took immense pride in having Commander McCool as a neighbor, a parent, and a fellow outdoorsman. Commander McCool's appreciation for Anacortes and the local community was with him on the *Columbia* mission.

He took with him a Douglas Fir Cone from the Little Cranberry Lake area. That cone represented the seeds of a future generation.

Commander McCool's commitment and service to future generations is now represented on the sign outside of Fidalgo Elementary School. That sign says, ''Fidalgo salutes a legacy of a good friend, Commander William McCool.''

Let me now turn to another *Columbia* hero with ties to Washington State, Lieutenant Colonel Michael Anderson.

On Sunday morning, parishioners of the Morning Star Missionary Baptist Church in Spokane gathered to worship and pay tribute to him. Michael Anderson and his family are long time members of the congregation.

Speaking of Lieutenant Colonel Anderson, Reverend Freeman Simmons offered words of comfort to friends of the Anderson family.

Reverend Freedom said,

> He belonged to more than his family, more than his race, more than his different affiliations. He belonged to this age.

Michael Anderson was born in New York State. He and his family came to Spokane, WA, during his father's Air Force service at Fairchild Air Force Base. He graduated from Cheney High School and came across the Cascades to attend the University of Washington. At UW, Anderson earned degrees in both physics and astronomy. He went on to a career in the Air Force as pilot and was selected to join NASA and the space program in 1994.

Lieutenant Colonel Anderson was one of the veterans aboard *Columbia*. He previously spent 211 hours in space on the 89th shuttle mission in 1998 to the Russian space station MIR. On that mission, Anderson traveled 3.6 million miles in 138 orbits around the Earth aboard the shuttle *Endeavor*.

Aboard the *Columbia*, Payload Commander Anderson was responsible for the incredible science being conducted during the mission. His mission was to manage 79 experiments on behalf of several space agencies and school children in many countries.

Michael Anderson considered Spokane his hometown, and Spokane is proud of his service. Today, all across Spokane, the community has posted its respect and admiration for our lost astronauts. One sign on Division Street reads, ''NASA we mourn with you.'' Another reads, ''Remember our Astronauts.''

Lieutenant Colonel Anderson's many contributions to space and science will live as a lasting tribute to an accomplished and heroic American. Let me mention just one.

Following Michael's successful 1998 shuttle mission, he returned to Washington State and the Spokane area. In May 1998, he want back to his alma mater, Cheney High School. He shared his experiences with students and he returned a school pennant which he had taken with him into space on that first mission.

One of the teachers described his appearance at a school assembly saying:

> His message to the kids was so upbeat and so positive. ''It doesn't matter what your dream is. If you are willing to chart the course, if you are willing to do what it takes, you can achieve your dreams.'' When that assembly was over, no one wanted to leave. They all wanted to stay and talk to Mike.

Both of these men left families. These men were spouses, fathers, community leaders, role models in service to our country. They will be missed by their families and a grateful nation. We will stand with the families as they grieve. We will be with them as the Nation seeks answers to the *Columbia* tragedy, and we will join them in honoring their loved ones as space exploration and discovery go forward. Willie McCool, Michael Anderson, and all of our *Columbia* astronauts gave so much of their lives in service and exploration. Our task now is to ensure their spirit continues to deliver the wonders of space that they explored on our behalf.

I continue with the words from Willie McCool in an e-mail message to his colleagues at NAS Whidbey. Commander McCool spoke of seeing the Sun rise and set on the Earth from space and wrote:

> The colors are stunning.
> In a single view, I see—looking out at the edge of the earth:
> red at the horizon line,
> blending to orange and yellow,
> followed by a thin white line,
> then light blue,
> gradually turning to dark blue
> and various gradually darker shades of grey
> then black and a million stars above.
> It's breathtaking.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. I ask unanimous consent that the distinguished senior Senator from Virginia and I be recognized for a time not to exceed 20 minutes to engage in a colloquy, and that it be charged against the time of the majority.

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

Mr. ALLEN. Madam President, I join with my colleague, Senator WARNER, on this sad day, not just for America but for the world. It is a day on which we commemorate and honor the lives of the seven courageous astronauts. We are joined together in honoring the lives of these courageous individuals who dedicated their lives and decided to use their talents to reach high; to reach for high ideals, and who assumed the risks of these dangers in a very noble effort to improve our quality of life here on Earth.

This is a day of admiration. It is a day of inspiration for us and for the NASA people who care so much about this tragedy, the loss of these heroes. We all watched in horror as they were trying to come back into our atmosphere. The tragic disaster was more than just a loss for us in the United States, but it was a loss for the entire world community—whose diversity, ingenuity, and skill are reflected in the members of this historic crew.

Our hearts ache for the grieving but amazingly brave families of these heroes who perished in this catastrophic failure. As we go through the list of those on the shuttle we see Rick Husband, Commander; Pilot William McCool; Michael Anderson; CDR Kalpana Chawla, Mission Specialist Laurel Clark; Mission Specialist Ilan Ramon of Israel; and David M. Brown, Mission Specialist 1 and Navy captain from Arlington, VA, a Virginia resident, born and raised in Virginia, he

went to college at the College of William and Mary after attending Yorktown High School, and was graduated from Eastern Virginia Medical School in Norfolk, VA.

Our thoughts and prayers are with all these families. But for my colleagues to get to know the character of these families, where they came from, it is important that I share with you my conversation with David's brother Doug. David's brother was the only family member who was waiting for him when he was to land in Florida.

It is a family of achievers. His father—it would have been very difficult for him to get down there because his father is in a wheelchair. His father contracted polio at the age of 5. It never deterred him. He became a judge. He campaigned, somehow, door to door, and then was appointed as a circuit court judge, where he served honorably and expertly for 20 years, watching a great deal of growth and transformation in Northern Virginia.

David's brother Doug, with whom I spoke today, is a hero and character in his own sense. He went to West Virginia University. I said: Why did you leave Virginia to go to West Virginia? And he said they have a great target shooting program there. He himself was a two-time All-American. It is a family of achievers.

Doug talked about family, not just his family but the NASA family; about this crew and how this flight was delayed time after time; one time because they were sending up another mission to fix the Hubble. Another time there was a delay because of repair of the fuel lines. So the family became closer. By the time they were actually able to launch and go off on their mission, they had become very close.

We talked about various things. I asked him a question about what could we do to help? Is there anything we can do to comfort you or to comfort your family? What he said is that NASA and the Navy Casualty Assistance Crews were great. Everything possible was being done for them. He talked about how NASA had such noble goals, trying to expand the knowledge of mankind, and said they are the best of mankind.

Doug said his brother David understood that everyone was taking risks. We talked about how Navy pilots and test pilots over the years have lost their lives, some trying to land on a pitching aircraft carrier. He said those folks are heroes as well, and they don't get the attention these individuals received.

I asked Doug how his recent conversations with David. Doug said that he recently asked David: Well, what if you don't get back? What should I say?

He said his brother told him the program must go on. Not in a careless way, but it needs to move forward. He believed if there was any error and he couldn't get back, it most likely would be a human error, but that he would not hold that against whomever it was involved in that error because he knew everyone was trying to do the best job they could.

He talked about NASA, about how they cared about, for example, specifically, one of the culprits or suspected culprits in this tragedy, which was that piece of foam that hit the left wing.

His brother—and he communicated with him by e-mail when he was up in space—had actually taken photographs of that wing because they were concerned about it.

I said: Did those photographs get back?

He said: No, they didn't send those photographs back. But that will be part of the investigation, at least his oral description of the situation.

I said: As we are trying to figure this out and trying to learn from it, what would he say?

He said: Gosh, you have to understand, GEORGE—he said GEORGE, not Senator ALLEN. We are on a friendly basis. He said: You have to understand my brother David was a football player. He was an offensive lineman at Yorktown High School. He said: In these sort of things, they use a football analogy. You don't get stopped dead in your tracks. When you get tackled, you get up and you keep trying to score.

And Doug, his brother, said they used to make fun of David, that no one ever paid any attention to an offensive lineman. They were trying to rub it in. No one knew of his football prowess.

David retorted that no one else had Katie Couric cheering for him like she did at Yorktown High School.

Today, David, everyone is cheering for you. We are aching for your wonderful family and your friends. We know the noble mission that you have been on, and others will be on in the future, will continue as you desired.

We will reconstruct the facts. We are determined to get up. We are determined to learn. We will not quit. We will keep fighting. In fact, we will keep improving, we will keep innovating, and we will keep advancing.

David Brown was a hero, and these surviving families are heroic individuals as well. As we go forward, we will learn. But we also will pray to God that we continue to be blessed, in this country and the world, with people of such courage and especially people of such great character.

I would like to yield to the distinguished senior Senator from Virginia, Mr. WARNER.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Madam President, may I say to my good friend, the junior Senator, that he delivered his remarks with great empathy and feeling. I wish to congratulate him. I have come to know him as a man who has intense feelings for people; and as a former Governor the many times he had to respond to catastrophes and loss of life in our State, he certainly has learned how to speak for the families and the survivors, and to speak with admiration about those who made the sacrifice. I thank the Senator for the privilege of serving with him.

Mr. ALLEN. I thank the Senator.

Mr. WARNER. Madam President, it is interesting; as the two of us approached the floor, a reporter paused in a very courteous way to ask me some questions. He is doing a study on the demographics of the Senate, and in particular on the number of Senators who have had an opportunity to serve in uniform. I expressed an opinion that I have expressed many times to a similar request. I find that, while it has its advantages, there is certainly no disadvantage to those who have not had the opportunity to serve in uniform. I think we all learn very quickly how to address the responsibilities we have with respect to the men and women of the Armed Forces of the United States.

But in the few steps that I took walking to the Chamber, I say to my colleague, I did reflect momentarily on two brief periods that I was privileged to serve in uniform at the very end of World War II when I did not see combat as did the spouse of the distinguished Presiding Officer of the Senate, our former colleague, Senator Dole, in no way have I ever put myself in the category of Senators Dole, INOUYE, STEVENS, HOLLINGS, and many others since then who served in Vietnam with such great distinction on the battlefield. But I did come to know many of my colleagues. Then I served briefly in the Korean war as a ground communications officer in the first wing. But I got to know aviators very well in that capacity. I recall that one of our tentmates did not return, and also our commanding officer lost his life. I was part of the detail that went out to retrieve him from a mountainside.

I empathize, as do the other men and women of the Armed Forces, for the loss of those astronauts who achieved their status through training in the U.S. military. What a privilege it is for all of us who had the opportunity to serve, to serve with others, and to share in their everyday happenings and glory—and sometimes in the status of their death—that we do here, brothers and sisters in the Senate today.

A number of our colleagues had the opportunity to go down to the services. I had to remain here. But I join with my colleagues in our reverent and humble way of expressing our deepest sympathies to the families, to the survivors, to the fellow enlisted military officers who served with these individuals throughout their careers, and to the Nation. The whole Nation is grieving for their deaths.

It is a marvelous thing to see Americans come together from all walks of life and to join in prayers and in other ways—so often in quiet ways—to express our feelings over this tragic loss to our Nation, and indeed to the world, because the world is largely dependent on those nations that have trained those going into space with particular missions. We lost the very brave and

extraordinary military officer from our strong ally, Israel.

While our Nation grieves for the deaths of the seven pioneers in space, for their friends and families, and for the States those brave souls called home, we join in mourning with all States in the Union. And yet we celebrate in a way their entire lives. We in Virginia are united in our solemn remembrance of one of those astronauts, CPT David Brown, whose parents, Dorothy and Paul, live in Washington, VA. My distinguished colleague spoke of his wonderful conversation with his brother today.

In the United States of America, we are a nation of pioneers—blazing trails from the 16th and 17th centuries to build ourselves a new nation, venturing west in the 18th and 19th centuries to fulfill our manifest destiny; and today in the 20th and 21st centuries leaving the outer bounds of our own atmosphere to learn more about this planet and others, and to share that knowledge with the world.

Shuttle launches and landings have become routine over the last several decades, yielding a false sense of security. We now recognize how false it is—for we are shaken to our very core.

Brilliant were the remarks delivered today by our President—and those who gathered with him at the memorial service. President Bush is well known to my colleague as a fellow Governor. They served together. How often the Senator from Virginia told me about the moments they shared when both of them were Governors. But he—not unlike my dear friend, the Senator from Virginia—has a remarkable way to step into a period of mourning and bring strength to the families who remain, and to the Nation. I certainly commend our President.

Over 100 times our brave astronauts have challenged the laws of gravity—I love that phrase; I wrote it myself—the laws of gravity propelling themselves, their shuttles, and their payloads hundreds of miles from the Earth's surface. Their work has yielded a great deal of scientific advancement—especially medical advances—credited with enhancing the quality of life not only of ourselves but, indeed, the world.

Space research, technology, and exploration are major contributors to enhancing our national security, to improving our standard of living, and broadening our scientific knowledge—and to carry on the pioneering traditions of our Nation. NASA has been the driving force for these many accomplishments.

May I say the current Administrator of NASA is a member of our Senate family. In many ways, he worked with this institution. He went on to become Secretary of the Navy, an office that I was once privileged to hold. Our thoughts and prayers are with him. I think thus far he has shown strong leadership in addressing this tragedy, proceeding immediately to try to unearth the facts and to procure the knowledge from all sources, wherever they may be, to try to find the answers for this tragedy.

We are a nation of risk-takers. But with exploration comes inherent risks. We have continually tempted fate through superior science and with the most talented men and women in their fields—astronauts who are the best and the brightest—those who fulfill their dreams and, I think more importantly, who have instilled in generations of young people their commitments and their dreams to perhaps become astronauts or dreams to perhaps one day wear the uniforms of the Army, the Navy, the Marine Corps, the Coast Guard, and the Air Force.

Last night I was privileged to attend a public meeting of the Council on Foreign Relations and of the four members of the chiefs of the services and/or their designated persons, who spoke brilliantly. In the cross questions, they addressed their pride in those men in uniform who achieved the status of astronaut—most particularly, at least two of them knew personally two of those who were lost on this mission.

I was so proud of the way they spoke and talked with resolve as to how we press on in space, and how generations upon generations will be coming behind to take their places, not unlike the men and women of the Armed Forces who throughout the world today are standing watch over our freedom, most particularly in the stressful situations of the Korean Peninsula and, indeed, the Persian Gulf and Afghanistan. How proud we are of the men and women of the Armed Forces.

The *Columbia* crew trained for their mission for years and in an instant our Nation has lost seven brave brothers and sisters;

Commander Rick Douglas Husband, U.S. Air Force Colonel, father of one daughter and one son; hometown, Amarillo, TX;

Pilot William C. McCool, U.S. Navy Commander, father of three sons; hometown, San Diego, CA:

Kalpana Chawla, Ph.D. in aerospace engineering, hometown Karnau, India;

Michael P. Anderson, lieutenant colonel, U.S. Air Force, father of two daughters; hometown, Spokane, WA;

Laurel Blair Salton Clark, commander, U.S. Navy, mother of one son; hometown, Racine, WI;

Ilan Ramon, colonel, Isreli Air Force;

And David M. Brown, captain, U.S. Navy; hometown, Washington, VA.

I am proud to stand here today on behalf of all Virginians to honor his memory and celebrate his life.

How proud Virginia, his parents, his friends, and his family are of this distinguished man: CPT David Brown. In his last words from space, CPT Brown wrote an e-mail to his parents in Virginia. My colleague referred to an e-mail he wrote to his brother. This is an e-mail he wrote to his parents:

If I'd been born in space, I would desire to visit the beautiful Earth more than I ever yearned to visit space. It's a wonderful planet.

Quiet, confident, heroic, adventuresome, dedicated to the welfare of others, and always seeing the best in our world: CPT Brown.

My colleague enumerated the details of his family and his education, but I do wish to recount one story. His parents were not surprised by his choice. Paul and Dorothy Brown watched their son grow up in the Westover section of Arlington with a clear sense of adventure. He flew with a friend in a small plane at age 7. And while at William and Mary, he worked two jobs just to gain the dollars for his flying lessons.

In a speech to students last September, CPT Brown predicted that at some point a shuttle flight would end with the loss of crew and aircraft. But he encouraged the young people to have ''a big vision, accept the risks and be persistent in pursuit of [your] goals.''

Last Christmas, CPT Brown had a conversation with his brother Doug, who asked what would happen if something went wrong in space. He simply said: ''Well, this program will go on.'' And the remainder of that conversation my dear colleague put in the RECORD.

We are a nation of patriots. Not only must we remember these brave men and women of the *Columbia*, but all men, all women in uniform, who protect this great Nation. And I suppose since 9/11 each of you in this Chamber, like I, stop quietly when you see the uniform of a fireman, a policeman, or a medical worker, or those who form the vast infrastructure in this country and take risks day and night so we can enjoy the highest quality of life of any nation in this world.

I say to our Armed Forces on deployment around the world, who have been dispatched for the cause of protecting freedom, and to our police and firefighters, you are in our thoughts and in our prayers every day. Ours is a grateful Nation for the risks you and your families—and I underline families—take.

Today we must mourn our loss: the crew of the *Columbia*. Tomorrow we will continue their work. I emphasize that. Our President said that. Tomorrow we will continue their work, their search for knowledge, and their exploration of new frontiers.

We will remember them with reverence, just as we remember the settlers at Jamestown in 1607, and the expedition of Lewis and Clark in 1803. We will remember them, just as we remember our lost soldiers, sailors, and airmen, who have given their lives—generations of lives—to protect our freedoms. And we will remember them, just as we will remember the others who have fallen in space, who dared to dance among the stars. We remember them.

I yield the floor.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. ALLEN. Mr. President, before the minority assistant leader arrives and I do final closing business, I want to commend the senior Senator from Virginia, my mentor, my ally, my good friend, for his outstanding statements, and for his experiences throughout his life—in many wars, in many tragedies—and through it all with his experience, as he always has the right things to say. He crafts those words himself. And he is proud of them.

He is an artist. He is an artist not only on canvas but also an artist with the gift of language, of sentiments, and of love and care for his fellow human beings. And he has been a hero himself, in many wars—in time of war and in time of peace—a leader in the civilian sector, and one who I, every single day, in every single moment that I am with him, learn something good and beneficial to improve myself.

So I thank my colleague, my dear friend, Senator WARNER, for those wonderful remarks that I think mean a great deal to the family of Captain Brown and to all the families, but also to the spirit of innovation, of that gung-ho spirit as far as the military is concerned, but also understanding the historic nature from the very beginnings of the cradle of liberty in Jamestown, on through the Lewis and Clark expeditions, and others throughout mankind.

He is really a wonderful Virginia gentleman. Some call him ''The Squire.'' I call him a living hero. I thank the Senator for his comments.

Mr. WARNER. Mr. President, I thank my colleague. I am deeply moved. A hero I am not, my dear fellow. I served twice in active duty for brief periods, and I benefited greatly in that service.

I try today, as chairman of the Armed Services Committee, to return to the men and women of the Armed Forces more than what I received by way of training and other benefits from serving in the military. My tours of active duty are inconsequential compared to the glorious careers of the persons who we honor today and, indeed, all others really that I have served with and see on the far-flung battlefields of the world as I travel through their posts, and will do soon again, to do what I can to benefit their lives, their welfare, their safety, and that of their families.

Mr. WARNER. But I think, my dear friend, we should note that we have present in the Chamber today the visiting Chaplain who comes from the State of Virginia. I think it is a matter of consequence that he is here today in the time that you and I speak. And he, too, expresses, as he did in the opening prayer, what is in his heart today, as he is in this Chamber, participating and listening to our speeches. So we are fortunate. We thank the guest Chaplain.

Mr. ALLEN. Mr. President, I share my colleague's comments in relation to the guest Chaplain, Dr. William Carl. It is a pleasure for us all he is here.

Mr. DASCHLE. Mr. President, I often speak about the many inspirational or impressive feats accomplished by South Dakotans. I am particularly pleased by the thousands of men and women from South Dakota who serve our Nation in one of the Armed Forces. But today, I want to call attention to someone who has risen above and beyond most others. I'm speaking of CDR Charles J. ''Jerry'' Logan of the U.S. Navy.

Commander Logan was born in De Smet, SD. He also lived in Leola and Belle Fourche, SD. The commander is a graduate of Belle Fourche High School and the South Dakota School of Mines in Rapid City. He is the only son of Charles and Margaret Logan's eight children. Most of the Logan family continues to reside in South Dakota. The commander is married to Teresa Logan, the daughter of Norman, who also served in the Navy, and Gay Jacobs.

Last November Commander Logan was bestowed the special honor of taking command of the USS *Bremerton*. This is his first command post. The *Bremerton* is one of several nuclear attack submarines assigned to the Pacific Fleet. Command of a nuclear submarine is obviously and enormous responsibility. Only a select few are ever charged with such a task.

Commander Logan took command of the *Bremerton* at a Change of Command ceremony in San Diego. Over 100 friends and relatives attended, and I am pleased to say many came from South Dakota—including Commander Logan's parents, all seven of his sisters, and many other relatives. I understand the presiding officer at the ceremony, Captain McAneny, was quite moved by the large contingent from South Dakota who traveled to show their support for Commander Logan.

I can certainly understand why the entire Logan and Jacobs families are proud of Commander Logan. I, too am proud of Jerry Logan, as I am proud of all those from South Dakota and throughout the Nation who are serving their country in the Armed Forces.

Mr. DODD. Mr. President, today I join the Nation in grieving the tragic loss of the crew of the Space Shuttle *Columbia*, which went down during its return to Earth after 16 days in space.

My heart especially goes out to the families of the seven astronauts on board the *Columbia*; Rick Husband, the mission commander, William McCool, the shuttle pilot, and the five crewmembers, David Brown, Michael Anderson, Laurel Clark, Kalpana Chawla, and Ilan Ramon.

Ever since President Kennedy announced, on May 25, 1961, that the United States land an American safely on the Moon by the end of the 1960s, our Nation has been committed to reaching for the stars.

President Kennedy said, ''We choose to go to the moon . . . not because [it is] easy, but because [it is] hard.''

Thus begun America's space program, a program which has compelled some our Nation's brightest and bravest souls to risk their lives in the name of progress; to travel into the frontiers of space in order to advance human life here on Earth.

The space program has seen its share of tragedy. In the prespace travel days of 1950s, daredevil pilots, such as form Senator John Glenn, risked it all to help us develop jet engine and rocket propulsion technologies, and to learn about the outer-reachers of our stratosphere. Dozens died in the process. They sacrificed their lives to make the space program possible.

Many of us are old enough to remember January 27, 1967, the day *Apollo 1* exploded during a launch-pad test, killing all three astronauts on board, Virgil Grissom, Edward White, and Roger Chaffee. I personally remember the numbness I felt when hearing the news, and later watching the tragedy replayed on television.

But the space program went forward; 18 months later, on July 20, 1969, Neil Armstrong and Buzz Aldrin took man's first steps on the Moon.

All of a sudden, our boundaries seemed limitless.

In 1982, the space shuttle program became operational, and trips to space began seeming commonplace.

But once again, on January 28, 1986, our Nation mourned the loss of shuttle astronauts Michael Smith, Dick Scobee, Judith Resnik, Ronald McNair, Ellison Onizuka, Gregory Jarvis, and Christa McAuliffe, who were lost the *Challenger* shuttle exploded during take-off.

President Reagan's words spoke for an entire Nation when he said: ''We've grown used to the idea space, and perhaps we forget that we've only just begun. We are still pioneers.''

With those words, the space shuttle program went forward, and there have been dozens of shuttle launches over the past 15 years, reaping untold rewards for humanity in terms of increasing our understanding of physics, biology, and of the physical universe in which we live.

Now we are in the shadow of another tragedy. Some are questioning whether or not manned space flights ought to continue. Some say risks to the lives of the astronauts outweigh the gains we can make in terms of scientific progress.

I say we listen to the families of those lost on Space Shuttle *Columbia*. They are united in their feelings that their loved ones died doing what they loved most, that these heroes understood the risks, but were undeterred because they also understood the potential for gain.

These families are united in their belief that the space program must go on.

I believe that if it does not, than the lives of these seven astronauts would have been lost in vain.

Tragedies like these are a direct result of America's restless desire for progress, to go further, fly faster, learn more, and advance.

Robert Kennedy once said: ''It is from acts of courage that human history is shaped.''

These seven brave astronauts knew the risks. They were not deterred. They were emboldened. They gave their lives that humanity could take yet another leap forward into the vast unknown of future knowledge.

They are, and always will be, national heroes.

Reading through articles from Sunday's New York Times, I could not help but be struck by the diversity of the crew. Once upon a time, all NASA astronauts were white men from the military. But over the past few decades, NASA has been recruiting astronauts based on their skills, their excellence, and of course, their courage and commitment. That has meant a more diverse astronaut pool.

The crew of the *Columbia* were a wonderful example of this diversity, men and women, black and white, immigrant and native-born, as well as a crew-member from Israel, Ilan Ramon.

The crew of the *Columbia* offer us a reminder that there are not boundaries in space, and that humans are one race.

Together, we will overcome this tragedy. And together, we will continue to look toward the stars and beyond.

I ask unanimous consent to print in the RECORD seven articles from Sunday's New York Times, each of which offers insights into the lives and personal accomplishments of each of the astronauts lost in Saturday's tragedy.

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

[From the New York Times, Feb. 2, 2003]

LOSS OF THE SHUTTLE: THE ASTRONAUTS; THE COLUMBIA SPACE SHUTTLE'S CREW OF 6 AMERICANS AND 1 ISRAELI

(By Pam Belluck)

Seven astronauts, six Americans and an Israeli, died aboard the shuttle Columbia yesterday. Of the crew of five men and two women, four had never flown in space before.

COL. RICK D. HUSBAND—A LIFELONG DREAM OF BEING AN ASTRONAUT

It took Rick D. Husband four tries to convince NASA to let him become an astronaut. The 45-year-old Air Force colonel from Amarillo, Tex., had yearned to fly in outer space since he was a child. ''It's been pretty much a lifelong dream and just a thrill to be able to get to actually live it,'' Colonel Husband told The Associated Press just before the Jan. 16 launching of the space shuttle Columbia.

Finally, Colonel Husband, a former test pilot who learned to fly when he was 18 and had more than 3,800 hours of flight time in more than 40 types of aircraft, was chosen for the NASA space program in 1994.

But it would take five more years of training and preparation before he would ride his first rocket into space. During that 10-day mission in 1999, Colonel Husband was the pilot of the space shuttle Discovery in the first mission by a shuttle crew to dock with the international space station.

After that he became chief of safety for NASA's astronaut office, and despite having only one space flight under his belt Colonel Husband was chosen to be the commander of the Columbia mission.

His mother, Jane Husband, said he prepared intensely, capitalizing on every minute, even an unexpected six-month delay when repairs forced the shuttle to be grounded last July.

''At Christmas, he was still studying, and I said, 'Oh, gosh,''' Mrs. Husband told the Ledger of Lakeland, Fla., just after the launching of the shuttle. ''He said, 'I have to make sure everything is in my head perfect.' They're all like that. They have to be mentally prepared.''

Greg Ojakangas, a NASA consultant and professor of physics at Drury University in Springfield, MO., because friendly with Colonel Husband during the 1994 NASA selection process, when Dr. Ojakangas was not picked to be an astronaut.

''He finally made it,'' Dr. Ojakangas said. ''It was a tale of perseverance.''

Dr. Ojakangas said Colonel Husband was a religious man devoted to his family, whose only regret about joining the space program was that it kept him so busy.

''When I asked him how he was liking it,'' Dr. Ojakangas said, ''I remember him talking about how he wished he has more time at home.''

Colonel Husband, had a wife, Evelyn; a daughter, Laura, 8; and a son, Matthew, 3. A baritone who sang in a barbershop quartet while in school, Colonel Husband still sang in church choirs. And he loved water skiing and biking.

Colonel Husband's mother and uncle watched the shuttle launching in Florida last month, feeling some of the astronaut's excitement as the spacecraft took off.

''It was almost as if the creator arranged it,'' his uncle, George Drank, told The Ledger. ''The flood lights were on the shuttle. Then the sun started coming over the horizon. As it ascended into heaven, the sun was behind it, and it made a big dark streak across the sky. I looked back at his mother and brother and tears were streaming.''

Evelyn Husband said: ''I wasn't nervous about what he was doing because he worked so long and hard for it. But when that started lifting off, Mama started crying. It's different when your son is on it.''

When asked before the flight about being selected mission commander while being relatively new to the space program, Colonel Husband seemed modest and poised.

''I think,'' he said, ''a lot of it has to do with being at the right place at the right time, for starters.''

[From the New York Times Feb. 2, 2003]

LOSS OF THE SHUTTLE: THE ASTRONAUTS; THE COLUMBIA SPACE SHUTTLE'S CREW OF 6 AMERICANS AND 1 ISRAELI

(By Jodi Wilgoren)

Seven astronauts, six Americans and an Israeli, died aboard the shuttle Columbia yesterday. Of the crew of five men and two women, four had never flown in space before.

DR. LAUREL SALTON CLARK—AFTER SEA AND SKY, MOVING ON TO SPACE

Laurel Salton Clark had conquered the sea, diving with the Navy Seals and conducting medical evacuations from submarines off Scotland. She had penetrated the air as a flight surgeon aboard the Marine Attack Squadron of the Year. Space was the logical next frontier.

''She was never one of these people to say, 'O.K., I found what I want to do,' it was always 'What the next challenge?''' said Dr. Clark's younger brother, Daniel Salton. ''She was one of these people who just had goals, just saw the goal, the end result, and knew how much work it would take to get there and was willing to do it.''

Dr. Clark, 41, a Navy commander who was one of two women among the seven astronauts aboard the space shuttle Columbia, was always scuba diving or mountain biking, hiking or rock climbing or parachuting. She grew up in Racine, Wisc., the eldest of four children, married a fellow Navy officer, Jonathan Clark, who later joined her in working at NASA, and had an 8-year-old son, Iain.

In an e-mail message sent from the space shuttle a few days ago, Dr. Clark marveled at the view of Wind Point, a peninsula jutting into Lake Michigan a few miles from her childhood home, and wondered whether the photographs she had taken would turn out.

''Hello from above our magnificent planet earth,'' Dr. Clark wrote to a group of close friends and relatives. ''The perspective is truly awe-inspiring. Even the stars have a special brightness. I have seen my 'friend' Orion several times.

An animal lover who was always the child to sleep with the family cat, Laurel Blair Salton graduated from Racine's William Horlick High School in 1979 and majored in zoology at the University of Wisconsin, in Madison, intending to be a veterinarian. Instead, she attended the university's medical school, where she was part of a tight-knit group of six friends who saved up their vacation time and spent the last three weeks before graduation in 1987 sailing a 42-foot boat through the British Virgin Islands.

After nearly a decade in the Navy, with postings in Pensacola, Fla, Holy Loch, Scotland, and Yuma, Ariz, a friend suggested that Dr. Clark take the NASA test. Like many others, she was not accepted on the first round. She later became part of a class known as the Sardines, because it had more than 40 astronaut candidates, the most in history, Ms. Salton said.

At NASA, Dr. Clark was nicknamed ''Floral, ''because of the vibrant colors that she wore when not in uniform.

Mr. Salton said he never worried about the safety of the shuttle—until two weeks ago when he joined his mother, siblings and several of Dr. Clark's friends at the launching.

''I was just an emotional wreck when she was in space, when you actually see that rocket group,'' he recalled. ''Visions of the Challenger go through your head and you pray that its not going to happen. Once they're up in space, big sigh of relief, O.K. the dangerous part is over. I never ever considered that something could happen on the way down.''

While in space, Dr. Clark was part of several life-science experiments. In an interview from space published on Friday in The Milwaukee Journal Sentinel, she spoke of watching the sunsets.

''There's a flash—the whole payload bay turns this rosy pink,'' she said. ''It only lasts about 15 seconds and then it's gone. It's very ethereal and extremely beautiful.''

Always a lover of her Scottish heritage, Dr. Clark had chosen as her wake-up song aboard the shuttle a bagpipe version of ''Amazing Grace,'' similar to one played at her wedding.

It will also be played at her funeral.

[From the New York Times, Feb. 2, 2003]

LOSS OF THE SHUTTLE: THE ASTRONAUTS; THE COLUMBIA SPACE SHUTTLE'S CREW OF 6 AMERICANS AND 1 ISRAELI

(By Warren E. Leary)

Seven astronauts, six Americans and an Israeli, died aboard the shuttle Columbia yesterday. Of the crew of five men and two women, four had never flown in space before.

COL. ILAN RAMON—PILOT EMBRACED ROLE AS A SYMBOL FOR JEWS

Col. Ilan Ramon was a soft-spoken combat pilot conscious of the importance of symbols and history, and the role he played in both. In the days and weeks leading to the Columbia's mission, and as the shuttle carried out its 16 days of science experiments, much of the attention focused on Colonel Ramon.

The son and grandson of Holocaust survivors, Colonel Ramon, 48, was the first citizen of his country to go into space. The accomplishment, he said in an interview in mid-January, was not his alone.

''Every time you are the first, it is meaningful,'' he said. ''I am told my flight is meaningful to a lot of Jewish people around the world. Being the first Israeli astronaut, I feel I am representing all Jews and all Israelis.''

On the shuttle, where he presided over an Israeli project to collect images of dust storms to gauge their impact on climate, Colonel Ramon carried a special keepsake.

It was a small Torah scroll used at the bar mitzvah of the project's principal investigator, Dr. Joachim Joseph, almost 60 years ago while he was in a Nazi concentration camp. The elderly rabbi performing the ceremony, who died soon afterward in the camp, gave the Torah to the boy and told him to tell people what had happened there.

Dr. Joseph said Colonel Ramon saw the Torah when visiting his home and was so moved by the story that he asked to take it into space as a tribute.

Before the launching, most of the attention paid to the mission centered on security and efforts to keep the shuttle and its crew safe from any terrorist attack. Officials at NASA acknowledged that the presence of an Israeli astronaut had only intensified the heightened security they had imposed since Sept. 11, 2001.

But Colonel Ramon and his crewmates said they were not unduly concerned about their safety, and they concentrated on keeping up their training for their much-delayed research mission, Colonel Ramon, who spent more than four years preparing for the flight, saw it repeatedly postponed by higher-priority missions and problems that periodically grounded the shuttle fleet.

''I have a lot of patience,'' he said with a smile before the launching, ''but now I'm ready to go.''

Ilan Ramon was born on June 20, 1954, in a Tel Aviv suburb and, after graduating from high school in 1972, attended the Israel Air force Flight School. He became a fighter pilot and logged more than 4,000 hours in various combat aircraft. He fought in the Yom Kippur war of 1973 and in the Lebanon conflict in 1982.

He received a bachelor of science degree in electronics and computer engineering from the University of Tel Aviv in 1987, and in 1994 was promoted to colonel and assigned to head the air force's weapons development and acquisition division.

Colonel Ramon was selected as an astronaut candidate in 1997 as a result of a science agreement two years earlier between President Bill Clinton and Shimon Peres, then the Israeli foreign minister. He and his wife, Rona, moved to Houston in 1998 so he could begin training at the Johnson Space Center. He is also survived by four children ages 6 to 14.

[From the New York Times, Feb. 2, 2003]

LOSS OF THE SHUTTLE: THE ASTRONAUTS; THE COLUMBIA SPACE SHUTTLE'S CREW OF 6 AMERICANS AND 1 ISRAELI

(By Lydia Polgreen)

Seven astronauts, six Americans and an Israeli, died aboard the shuttle Columbia yesterday. Of the crew of five men and two women, four had never flown in space before.

DR. KALPANA CHAWLA—QUIET AND MODEST, BUT ALSO DETERMINED

Nearly everyone who walks into Don Seath's classroom has at least toyed with the thought of becoming an astronaut. Mr. Seath, who has taught aerodynamics at the University of Texas of Arlington since 1965, would be hard pressed to think of a student who on first meeting seemed less likely to go into space than Kalpana Chawla. It was not that she lacked brilliance. ''She was a very good student, quite excellent,'' Mr. Seath said in a telephone interview. ''She was in my aerodynamics class, and she performed exceedingly well. She was very bright.''

What she did not have was the brash attitude most aspiring astronauts displayed.

''She was quiet and modest,'' Mr. Seath said. ''When I heard she had been accepted into the program to become a astronaut I was thrilled but also surprised.'' She just did not seem to fit the type, he said.

But Dr. Chawla, 41, never lacked determination, those who knew her said. From her childhood in Karnal, a small-town about 80 miles north of New Delhi, she nursed a lifelong dream to go into space. She early on set her sights on an American education that would take her up into the air.

''I was interested in aerospace and flying, and the U.S. is really the best place in the world for flying,'' she told the University of Texas at Arlington magazine in 1998.

Dr. Chawla was a brilliant student, always in the top five of her class, those who knew her said. After getting an engineering degree from Punjab Engineering College in 1982, she moved to the United States, where she attended the University of Texas at Arlington, then got a doctorate in aerospace engineering from the University of Colorado. Along the way she became a citizen of the United States.

In 1994, NASA selected her and 19 other people from a group of 4,000 other applicants to its astronaut program. On Nov. 19, 1997, she became the first Indian-born woman in space. She was assigned to the shuttle Columbia as a mission specialist and prime robotic arm operator.

The flight was not without mishaps. As robotic arm operator she was unable to retrieve the 3,000 pound Spartan satellite, which spun away after the shuttle released it, and astronauts had to go out on a space walk three days later to retrieve it. The mistake shook her confidence, and she feared her space career was over. But her concern was misplaced.

''Some of the senior people, the very senior astronauts, shook my hand and said, 'K.C., you did a great job. Don't let anyone tell you different,' ''Dr. Chawla told the University of Texas at Arlington Magazine. A NASA inquiry later determined that the shuttle crew had made a series of errors that caused the satellite to malfunction.

In New Delhi, relatives of Dr. Chawla gathered to hear news and mourn together.

''Whenever you are involved in such tasks, one should be prepared for such things,'' said Anjay Chawla, Dr. Chawla's brother, his voice choking as he spoke to reporters. ''If it could happen to others it could happen to you as well. This time it happened to us.''

R. S. Bhatia, head of the Washington office of the Indian Space Research Organization, India's answer to NASA, said Dr. Chawla had become a symbol of India's greatness, even though she was no longer a citizen.

''After her first flight, she became a national hero,'' Mr. Bhatia said. ''She is an American citizen, but she is ours too. This is the most terrible tragedy. We have lost a hero.''

[From the New York Times, Feb. 2, 2003]

LOSS OF THE SHUTTLE: THE ASTRONAUTS; THE COLUMBIA SPACE SHUTTLE'S CREW OF 6 AMERICANS AND 1 ISRAELI

(By Jeffrey Gettleman)

Seven astronauts, six Americans and an Israeli, died aboard the shuttle Columbia yesterday. Of the crew of five men and two women, four had never flown in space before.

CAPT. DAVID M. BROWN—A CIRCUS PERFORMER AND A TOP AVIATOR

Trapeze artist. Stilt walker. Test pilot. David M. Brown had a special blend of the right stuff. And a bucket of humility to go along with it.

''He was one of those guys who filled all the squares to be where he was,'' said Bob Ryan, another pilot-doctor who knew Dr. Brown from a flight surgeons' organization. ''But he was quiet about it. You'd never hear Dave beating his own drum.''

Dr. Brown, 46, grew up in Arlington, Va. He was a star gymnast on the parallel bars at Yorktown High School and went on to earn a letter at William and Mary. He also joined the circus, performing as an acrobat, unicyclist and stilt walker, all the while earning top marks in biology.

Dr. Brown, a 46-year-old doctor who died about the space shuttle Columbia yesterday, began his gravity defying days in Arlington, VA., where he starred on the Yorktown High School gymnastics team. He went on to join the circus while studying biology at the College of William and Mary. He was an acrobat, unicyclist and stilt walker.

''I always let him dream,'' said his mother, Dot.

He attended Eastern Virginia Medical School and signed up with the Navy afterwards.

He was sent to a military hospital in Alaska, and then served on an aircraft carrier. In 1988, Dr. Brown was selected for pilot training, a rarity for Navy doctors. He graduated No. 1 in his naval aviation class.

He flew F–18 Hornet jet fighters, A–6E Intruder aircraft and the high performance T–38 Talon, known as the white rocket. He joined the Navy test pilot school in 1995 and was chosen for the astronaut program the next year. It was his third try. His credentials in biology and medicine helped land him a spot on the Columbia mission, which focused on scientific research.

Dr. Brown was hooked on space, friends said. He had a telescope in his living room, aimed at the moon. Some nights, he would jump in his single-engine plane and fly the 50 miles from Houston, where he lived, to Galveston to attend astronomy club meetings.

''As we were flying through the night, Dave would point out all the stars and nebula,'' said Dwight Holland, an Air Force pilot and friend. ''He loved it.''

Solidly built with wholesome looks, Dr. Brown had never been married. His closest companion was his 14-year-old dog, Duggins, who died two days before the shuttle lifted off.

His parents live on a mountaintop in rural Virginia. Yesterday, they shared the last e-mail they received from him.

''My most moving moment was reading a letter that Ilan Ramon brought from a Holocaust survivor whose seven-year-old daughter died,'' Dr. Brown wrote. ''I was stunned

such a beautiful planet could harbor such bad things.''

[From the New York Times, Feb. 2, 2003]

LOSS OF THE SHUTTLE: THE ASTRONAUTS; THE COLUMBIA SPACE SHUTTLE'S CREW OF 6 AMERICANS AND 1 ISRAELI

(By Timothy Egan)

Seven astronauts, six Americans and an Israeli, died aboard the shuttle Columbia yesterday. Of the crew of five men and two women, four had never flown in space before.

LT. COL. MICHAEL P. ANDERSON—A SOURCE OF HOPE FOR CHILDREN

Whenever Happy Watkins wanted to inspire black children in Spokane, an overwhelmingly white city in eastern Washington, he would reach into his wallet and pull out an autographed picture of Lt. Col. Michael P. Anderson of the Air Force, the black astronaut who grew up in their town and died on the space shuttle Columbia today. ''These kids, some of them have no hope, and their eyes would light up when they saw this picture,'' said Mr. Watkins, who taught young Michael Anderson in the Sunday school at Morning Star Baptist Church in Spokane.

''This picture said it all—he's black, he's an astronaut—it was a huge motivator,'' Mr. Watkins said in an interview.

Born on Christmas Day 1959 in Plattsburgh, N.Y., the son of an Air Force serviceman, Colonel Anderson dreamed of the cosmos, and space flight, from the time he was a boy and got his first toy airplane at age 3.

He was a fan of Star Trek, and early on, he memorized the names of most of the American astronauts. He watched the Moon landing when he was a 9-year-old, and the excitement never left him, he said later.

He never doubted he would be an astronaut. ''I can't remember ever thinking that I couldn't do it,'' Colonel Anderson said in an interview with the University of Washington alumni newsletter in 1998. ''I never had any serious doubts about it. It was just a matter of when.''

But on the eve of his last flight, Colonel Anderson did talk about the risk of space flight.

''There's always that unknown,'' he said to reporters just before the Columbia lifted off on Jan. 16.

Colonel Anderson's parents, Bobbie and Barbara Anderson, live in Spokane. The family moved to the area about 30 years ago, friends said, because Bobbie Anderson was assigned to the Fairchild Air Force Base about 25 miles from Spokane. Michael Anderson went to school in Cheney, a farm town next to the base.

Today, inside Cheney High School is a plaque and picture of Colonel Anderson, the astronaut who never wavered in his dreams.

''Michael's always been an amazingly strong, focused guy,'' said the Rev. Freeman Simon, who has known the family for about 25 years, and attended the same church with them. ''He is strange in one respect: he was the guy who always seemed to know what he wanted, and could translate his thinking into action.''

After Cheney High School, Colonel Anderson got a bachelor of science degree in physics and astronomy at the University of Washington, in Seattle. He earned a master's degree in physics in 1990 at Creighton University.

In 1994, while stationed at Plattsburgh Air Force Base, he was chosen for the space shuttle program, one of 19 candidates selected that year from among 2,962 applicants.

He was on the Shuttle-Mir docking mission in 1998, when the crew transferred more than 9,000 pounds of scientific equipment and other hardware from the Endeavour to the Mir.

He was married to the former Sandra Lynn Hawkins.

While Colonel Anderson was a role model in Spokane as one of the few black astronauts, he would have stood out even if he had never gone to space, friends said.

''If you know what the character of an eagle is like, that is Michael Anderson,'' said Mr. Freeman. ''He was an eagle among chickens.''

[From the New York Times, Feb. 2, 2003]

LOSS OF THE SHUTTLE: THE ASTRONAUTS; THE COLUMBIA SPACE SHUTTLE'S CREW OF 6 AMERICANS AND 1 ISRAELI

(By Alan Feuer)

Seven astronauts, six Americans and an Israeli, died aboard the shuttle Columbia yesterday. Of the crew of five men and two women, four had never flown in space before.

Cmdr. William C. McCool: Carrying a Memento Of Home on Mission

When Cmdr. William C. McCool of the Navy, the pilot of the space shuttle Columbia, took off on Jan. 16, he carried a piece of his hometown with him: a spirit towel for the Coronado Mustangs, his high school football team in Lubbock, Tex. Commander McCool, 41, had always been a football fan. He told The Associated Press in an interview that he was rooting for the Oakland Raiders in last Sunday's Super Bowl, having grown up in San Diego.

He was an athlete—a runner, swimmer and a back-country camper—and played the guitar and chess. He was even known to play chess via e-mail with crew members of the international space station.

He was also something of a cutup, those who knew him said.

''Willie had one of the best senses of humor of any kid you'd ever seen,'' said Ed Jarman, who taught Commander McCool's high school chemistry class. ''He could rig up the most comical ways of explaining scientific principles.''

Mr. Jarman said Commander McCool was highly dependable. ''If I needed trash picked up on the school grounds, I'd make him a committee of one.''

He had always been interested in joining in the Navy, Mr. Jarman said; his father was a chief petty officer in the Navy.

Commander McCool graduated second in his 1983 class at the Naval Academy, where he ran with the cross-country track team.

The commander of his mission, Rick D. Husband, was also from Lubbock, and the town was in mourning yesterday.

The Columbia mission was Commander McCool's first trip into space. He was an experienced test pilot, one of the Navy's elite airmen, and had logged more than 2,800 flight hours.

Commander McCool was chosen by NASA for its astronaut program in 1996 and completed two years of training. He was scheduled for a shuttle mission in June 2001, but it was delayed.

Asked then by The Lubbock Avalanche-Journal if the scratched mission troubled him, he was optimistic.

''From a rookie point of view, the delays are probably good,'' he said. ''I feel like going through the training flow essentially a second time a little less like a rookie and a little bit more like a veteran.''

In the same interview he said one of the hardest parts of his mission would be working on a split-duty around-the-clock schedule: half of the shuttle crew members worked, while the other half slept.

''I think it's going to be very difficult,'' he said. ''That's why we're focusing now in advance on doing everything very efficiently on time. We hope we can do whatever measures are necessary to get us into bed.''

Commander McCool was married and had three sons.

Ms. SNOWE. Mr. President, America and the world watched with equal measures of shock and sadness on the morning of February 1, as the Shuttle *Columbia* was lost and seven heroes perished in the skies over Texas.

At this most somber of times, we pray for the souls of the seven astronauts, as well as the families of those who gave their lives to advance humankind. We also extend our most profound sympathies to all Israelis as they mourn their fallen countryman, the first Israeli astronaut. Their boundless joy has turned to the deepest sorrow, and we share in their terrible loss.

Today, we remember Rick D. Husband, commander; William C. McCool, pilot; Michael P. Anderson, payload commander; David M. Brown, mission specialist; Kalpana Chawla, mission specialist; Laura Blair Salton Clark, mission specialist; and Ilan Ramon, payload specialist. Their names are no longer of the pedestrian Earth, they now belong to the ages, forever etched in the halls of history.

We can scarcely comprehend the dangers which they accepted daily as the price for making a difference in the world. For most of us, we could not imagine a life so punctuated by peril. For them, they could not imagine life in any other form, and it is we who are the beneficiaries of their courage.

For those who exist on the vanguard of human endeavor, we reserve our highest regard and greatest respect. For it is they who set new standards by challenging old limits. It is they who embrace the ultimate risk in exchange for mapping the realm of possibility. We can no more place ourselves in their minds and hearts than we can imagine what it is like to stand on a street corner in a city we have never seen. We occupy a different space in the world. But we know and can appreciate the fruits of their extraordinary labor, and that is probably all they would ever ask of us.

The Space Shuttle *Columbia*, on mission STS–107, was dedicated to research in the space, life, and physical sciences. The seven astronauts worked around the clock, for 16 days, to carry out studies in the areas of astronaut health and safety, advanced technology development, and Earth and space sciences. It is true they carried with them experiments designed to expand the store of human knowledge. But they also carried with them the pride of the United States and Israel, and the hopes of the people of our two great nations for a brighter and better tomorrow.

Our hearts are now heavy, but our pride and our hope are not diminished, far from it. Indeed, the spirit represented by *Columbia* cannot be vanquished by such crude and earthly instruments as physics or fire. Rather, the spirit embodied by her and her

crew is of a higher, infinitely more durable plane, where the finest of human ideals and pursuits never die, but only grow stronger with the passing of the days.

In moving forward, we must now ascertain what went wrong, and take every conceivable step to ensure it is never repeated for the sake of those who, in the years ahead, will once more ride into the breach of space. As President Bush has said, ''The cause in which they died will continue. Mankind is led into the darkness beyond our world by the inspiration of discovery and the longing to understand. Our journey into space will go on.'' Perhaps that is best way for us to honor the memory of those seven astronauts who never returned from *Columbia*.

Robert F. Kennedy once said, ''There are those who look at things the way they are, and ask why . . . I dream of things that never were, and ask why not?'' That is the credo by which the seven astronauts of *Columbia* lived their lives, and their legacy will be remembered as long as greatness is revered.

Again, I join with my colleagues and all of America in expressing my deepest appreciation, and my most sincere condolences to the families. Our thoughts and prayers are with them. May God grant them strength and comfort as He welcomes home the crew of *Columbia*.

Mr. FEINGOLD. Mr. President, I rise today with a heavy heart to mourn the loss of a fellow Wisconsinite, a wife, mother, daughter, sister, and friend. This extraordinary woman, Laurel Clark of Racine, WI, was a physician, a Navy Commander, and an astronaut who was flying her first space mission aboard the Space Shuttle *Columbia*. When that craft broke apart over the blue Texas sky on Saturday morning, we lost this incredible woman and her six crew mates. I extend my deepest sympathy to Dr. Clark's husband and son and to her family and friends.

Dr. Clark, the oldest of four children, was born in Iowa and grew up in Racine, WI. She graduated from William Horlick High School in 1979 and went on to attend the University of Wisconsin-Madison, where she studied zoology and was an active member of Gamma Phi Beta Sorority. She earned her undergraduate degree in 1983, and her medical degree, also from the University of Wisconsin, in 1987.

Dr. Clark joined the U.S. Navy after medical school and became a diving doctor, participating a number of submarine missions. She was selected to train as an astronaut in 1996, and she and her husband relocated to Houston, TX, home of the Johnson Space Center.

Dr. Clark's first shuttle mission was postponed several times, and after years of training and anticipation, she and her crewmates lifted off from Cape Canaveral on January 16 for a 16-day microgravity research mission. Aboard the *Columbia*, Dr. Clark was a mission specialist who conducted numerous medical experiments, often using herself as a test subject.

An e-mail message that Dr. Clark sent to her brother from space noted that she enjoyed looking down on her home planet and seeing familiar sights such as Wind Point on Lake Michigan.

Dr. Clark's professional journey took her from the depths of the Earth's oceans to the vast reaches of outer space. She truly reached for the stars and made incredible contributions to our country. Dr. Laurel Clark and her crewmates were tragically taken from us too soon, and we will always treasure her legacy of scientific exploration and discovery and her commitment to her family, friends, and country.

Mr. KERRY. Mr. President, I rise today to pay tribute to the men and women who lost their lives on the space shuttle *Columbia* and offer my condolences to their families and to the entire NASA community. Like all Americans, they are in my thoughts and prayers during this difficult time.

Early Saturday morning, the crew of the *Columbia* was preparing to reenter the Earth's atmosphere after a 16-day mission to conduct scientific experiments. Five of the seven astronauts were on their first space flight. By all accounts, the mission had been a success, and some of the astronauts jokingly complained to mission controllers about having to come home. The crew included Dr. Kalpana Chawla, a mechanical engineer and Indian immigrant, William McCool, a Navy test pilot, Dr. David Brown, a Navy physician, COL Ilan Ramon, an Israeli fighter pilot, Laurel Clark, a Navy flight surgeon, and two veterans of the space program, Mission Commander Rick Husband and Payload Commander Michael Anderson. Fourteen minutes into reentry, as the shuttle passed through the upper atmosphere and reached temperatures as hot as 2,000 degrees, it broke apart above northern Texas, taking these seven remarkable individuals down with it.

This was a world tragedy as much as it was an American tragedy. The crew of the *Columbia* reflected our diverse planet as much as it did a cross section of America. Dr. Chawla was a hero in her native India, as was COL Ramon in Israel. Both were on their first space flight. Millions of people around the world reacted in horror as they watched footage of the *Columbia* streaking across the Texas sky. They share in our deep sense of grief.

I am confident we will complete an exhaustive investigation to determine what went wrong. All questions need to be answered before we send our best and brightest back into space. However, I firmly believe that we must press on. We must continue the exploration of space. I have always supported the space program because I believe it is in the best interests of mankind to unlock the mysteries of life on earth and beyond. The shuttle missions have helped us understand global warming, weather patterns, and the effects of weightlessness on the human body, aided in the understanding of disease, and exponentially increased our understanding of the universe. It would be impossible to quantify the knowledge we have gained from sending men and women into space.

Space flight brings out the best in us. It challenges us to think big, to strive for greatness, and to work together to achieve the most important goals. There is no doubt in my mind that we should continue these missions and prepare the next generation of astronauts for the challenges that lay ahead. To be sure, there is great risk. However, if it weren't difficult, if it didn't promise to improve the quality of our lives and our understanding of the world, then it wouldn't be worth doing. Yesterday the families of the *Columbia* 7 issued a statement expressing that sentiment: ''Although we grieve deeply, as do the families of *Apollo 1* and *Challenger* before us, the bold exploration of space must go on.''

This tragedy has touched each and every one of us. These selfless heroes were dedicated to a cause greater then themselves. They were passionate about space flight, passionate about their mission, and were committed to making life better for all of us. They will be missed, and they will never be forgotten.

Mr. CONRAD. Mr. President, I would like to include a few words for the RECORD about the horrible tragedy that our Nation suffered on Saturday morning. Our Nation grieves for the brave astronauts that lost their lives on the Space Shuttle *Columbia*. My thoughts, and the thoughts of all North Dakotans, are with the families and friends of the seven crew members who died in the skies over Texas and Louisiana.

Rick Husband, Michael Anderson, Laurel Clark, David Brown, William McCool, Kalpana Chawla, Ilan Ramon. These men and women came from around the country and around the world to risk their lives, and ultimately give their lives, for human space flight and all that it can offer. Mr. Ramon was a colonel in the Israeli Air Force. Dr. Chawla was an American born in India. The others came together from across the United States. Their mission was one of cooperation, research, and discovery. In these troubled times when we talk of war every day, their mission was, significantly, a mission of peace.

I have always said that, when done right, space exploration can be of tremendous benefit to those of us on the ground. The cutting edge research that NASA conducts in space, including the research performed by these seven brave individuals on *Columbia*, simply could not happen on the surface of the Earth. Now, we are reminded not only of how difficult and how important this research is, but also just how dangerous it is.

In my State, we understand this first hand. In North Dakota, we are proud to

say that we have more astronauts per capita than any other State. James Buchli, Tony England, and Richard Hieb all hail from North Dakota. One of them, Mr. Hieb, flew on *Columbia* back in 1994.

In North Dakota, we are grieving over the loss of the seven members of *Columbia's* last mission. But, I am confident that human space flight will continue even in the wake of this disaster. Across this country, and especially at NASA, there is a ''can-do'' attitude that will allow us to forge ahead. It is this spirit that will allow us to move forward with resilience after this horrible tragedy.

Mr. CRAIG. Mr. President, like many of my colleagues, I wish to discuss the national tragedy that occurred on Saturday morning and to pay tribute to the seven brave men and women who lost their lives in the space shuttle *Columbia* disaster.

Just like people around the country, I was beginning my day on Saturday and tuning into the news programs when I learned that NASA had lost contact with the Shuttle *Columbia*. I was riveted to the developments as they unfolded on television and was devastated when our President addressed the Nation, announcing what we all suspected at that point, ''The *Columbia* is lost; There are no survivors.''

My heart and prayers go out to the crew of the Space Shuttle *Columbia* and their families. While space travel has in some ways become routine to the American public, this tragedy is a vivid reminder of the inherent risks these brave men and women undertake to pursue the boundaries of space and science. On this day, and in the future, they deserve to be remembered for the lives they lived and I hope we will do that.

In the days that have followed the tragedy, we have all become familiar with the backgrounds of the *Columbia* astronauts. They were men and women of such accomplishment and capability that it begins to make the extraordinary seem ordinary, but such a characterization is not fair to them. Our astronaut corps continues to attract the best of the best, and to require an unparalleled standard of achievement and excellence. For many shuttle astronauts, the opportunity to participate in a shuttle mission is the dream of a lifetime and for all of them, it is the culmination of a lifetime of hard work.

I remember my excitement as a child, clipping articles about the Mercury missions and hanging them on the bulletin board in my bedroom. Today, Idaho's school children do the same with articles about the International Space Station and the missions of our space shuttle fleet. Many kids follow the progress of various NASA missions in their classrooms. NASA considers this educational outreach a critical, core mission and a major purpose for its existence as an agency. In fact, in a recent meeting I had with NASA Administrator Sean O'Keefe, he spent much of our time together discussing the ways that NASA is working to excite students about math and science. This is vital work. It must continue.

Although Congress and NASA are now getting on with the business of investigating what went wrong, nothing should deter us from the important missions of our national space program. I join with my colleagues today in saluting the *Columbia* astronauts and those at NASA who make it possible for us to explore our universe.

Mrs. FEINSTEIN. Mr. President, I rise today to commemorate the lives of the seven astronauts who gave their lives Saturday when the spacecraft *Columbia* was lost as it returned to Earth. The names of those manning the shuttle will be ingrained in our minds and in our hearts: CDR Rick Husband, CDR William McCool, LTC Michael Anderson, CDR Laurel Clark, CAPT David Brown, Dr. Kalpana Chawla, and COL Ilan Ramon, of the Israeli Air Force.

The crew of the *Columbia* shared a love of flying and a sense of adventure that spurred each to strive for excellence and reach for space.

CDR Rick Husband knew from the time he was 4 years old and watched his first shuttle launch that he wanted to be an astronaut.

He was commissioned a second lieutenant in the Air Force and attended pilot training at Vance Air Force Base in Oklahoma. He later served as a test pilot for all five models of the F–15. Commander Husband logged more than 3,800 hours of flight time in more than 40 types of aircraft.

Commander Husband studied mechanical engineering at Fresno State University in California through an extension program at nearby Edwards Air Force Base. On the flight, Commander Husband carried a Fresno State Bulldogs sweatshirt, as a memento. He graduated with a master's degree in 1990. Four years later, NASA selected Husband as an astronaut candidate.

He leaves behind his wife, and his two children.

Born in San Diego, CA, CDR William McCool was the son of a Navy and Marine aviator who built model airplanes as a youngster.

Commander McCool studied aerospace engineering at the U.S. Naval Academy, and was elected captain of the cross-country running team his senior year. He graduated second in his class from the Naval Academy.

Commander McCool received a master's degree in computer science from the University of Maryland in 1985 and a master's in aeronautical engineering at the U.S. Naval Postgraduate School in 1992.

He attended flight school in Pensacola, FL, and worked as a test pilot at the Patuxent River Naval Air Station in southern Maryland.

Commander McCool leaves behind a wife and two children.

LTC Michael Anderson always dreamed of space flight and once said that he could not remember a time when he did not want to be an astronaut.

He graduated from the University of Washington in 1981 with a degree in physics and astronomy and, following in his father's footsteps, was commissioned a second lieutenant in the Air Force.

While stationed at Offutt Air Force Base in Nebraska in 1990, Anderson earned a master's degree in physics from Omaha's Creighton University.

In 1994, he was selected to join NASA as a potential future astronaut. In January 1998, he made his first flight, aboard the space shuttle Endeavour, traveling 3.6 million miles during 138 orbits of the Earth to reach the Mir space station.

LTC Michael Anderson leaves behind his wife and two daughters.

CDR Laurel Clark always excelled at school, and her classmates remember her for her fun-loving and adventurous spirit.

After Commander Clark graduated from the University of Wisconsin-Madison, she joined the Navy to pay her way through medical school, but stayed with the Navy for the series of adventures it offered her in her career.

While in the Navy, Commander Clark became a submarine medical officer, dove with Navy SEALS in Scotland, and earned her flight surgeon's wings before finally applying to NASA for astronaut training.

While orbiting the Earth, Commander Clark remarked on the beauty of watching sunsets from space.

She leaves behind her husband and her son.

CAPT David Brown loved to fly kites as a child, and would gaze at the stars with friends from a backyard telescope.

Captain Brown grew up in Arlington, VA, and earned a bachelor's degree in biology from the College of William and Mary, where he worked two jobs so he could take flying lessons.

He then earned a medical degree from Eastern Virginia Medical School in Norfolk, before joining the Navy.

Captain Brown served as a flight surgeon in the Navy and joined NASA in 1996.

His family and friends remember him as a person who ''grabbed life,'' saying that he could and did accomplish anything he set out to do.

Dr. Kalpana Chawla fell in love with the idea of flying as a young girl in India.

She graduated from the Tagore Bal Niketan School in her small hometown of Karnal and then got a bachelor's degree in aeronautical engineering from Punjab Engineering College.

She left India for the United States, earning a master's degree from the University of Texas and a doctorate in aerospace engineering from the University of Colorado.

Dr. Chawla then worked as a scientist at the NASA Ames research laboratory in California before joining the astronaut program in 1995.

Dr. Chawla was a member of the West Valley Flying Club in Palo Alto who loved doing aerial acrobatics over the Bay Area.

She leaves behind her husband.

COL Ilan Ramon was a bona fide combat hero in Israel, flying missions in the Yom Kippur War in 1973, and the Lebanon war in 1982.

In recent days, he lifted the spirits of his country, becoming a national hero as the first Israeli in space.

As a pilot, Colonel Ramon clocked more than 4,000 hours in combat aircraft, and was an F–16 squadron commander.

Aboard the *Columbia*, one of Ramon's scientific experiments involved tracking sandstorms in the Sahara Desert, and studying their impact on climate and environment.

He leaves behind his wife and four children.

Each of the astronauts knew the risks involved in space flight. But they took those risks willingly in order to follow their dreams, knowing that their mission was a noble one of science and discovery.

What remains for us, as a nation, is to determine the cause of this tragedy, make adjustments so that it will not happen again, and continue the exploration of space.

NASA Administrator Sean O'Keefe has already assigned several internal units to investigate the loss of the *Columbia*, including a ''Mishap Response Team'' and a ''Contingency Action Team.''

In addition, Administrator O'Keefe announced the formation of an independent board led by Harold W. Gehman, who cochaired the probe of the October 2000 terrorist attack on the USS *Cole* in Yemen.

I think that the way NASA has acted in the past few days is a marked improvement to the way the investigation into the 1986 *Challenger* explosion was handled.

Information has been disseminated quickly, which gives me hope that a fair and prompt investigation will yield the causes for the loss of the *Columbia*.

The space program must continue. The American legacy is filled with stories of exploration, and the desire to push new frontiers to the limit.

There is so much to learn from space. This tragedy will not stifle the desire to acquire all the potential knowledge we could gain as a country, and as a planet, from exploration beyond Earth.

The risks, however, will always be present. In a way, space exploration means continually breaking new ground, and taking those risks.

The hardest part of these losses, is the human loss. The astronauts aboard the *Columbia* were men and women at their prime. They put their hearts and souls into this mission, were the best and brightest of their peers, and still this catastrophe befell them.

My heart goes out to the families that the crew of the Space Shuttle *Columbia* left behind. As we search for the reasons this tragedy occurred, it cannot be forgotten that each member was a son or daughter, a mother or father, a brother or sister, a dear friend. The thoughts and prayers of the American people, and of the world, are with them as they endure the pain of this loss.

The crew of the Space Shuttle *Columbia* embodied the human desire to explore, to reach, and to dream. Their courage, idealism, and enthusiasm for discovery are hallmarks of the American spirit which should be remembered and celebrated, even as we grieve their loss.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

● Mr. GRAHAM. Mr. President, twice now we have witnessed the horror of vapor trails separating in the sky.

Twice now we have gazed in shock at photographs of the optimistic faces of seven young heroes, captured as they stood at the brink of one of mankind's greatest adventures.

Twice now we have endured the loss of a space shuttle and its valiant crew: First, *Challenger* on January 28, 1986, at the start of a landmark voyage dedicated to teaching a new generation about space. Now, 17 years and 4 days later, *Columbia* on February 1, 2003, at the conclusion of a successful scientific mission.

Both incidents remind us that space exploration is fraught with risk, but also with limitless possibility. Even as we mourn the loss of *Columbia*'s crew of seven brave heroes, including the first astronaut from Israel, we must rededicate ourselves to continuing to pursue knowledge of the heavens and the benefits we derive from our research.

We in Florida feel the losses most intensely. My State is home to the Kennedy Space Center and thousands of the dedicated professionals who work for NASA as well as its contractors. Floridians consider ourselves part of the special family that makes up the space program. We launched the *Columbia* on its 16-day mission, and we were ready to welcome her crew home.

Now, Floridians are firm in our belief that, just as we did in the 1980s, we must fully explore the causes of Saturday's disaster. We must identify what went wrong and fix it. We must ensure the safety of the remaining three orbiters and future astronauts.

But then we recommit ourselves to returning to space, to resuming launches, to continuing to build the International Space Station, and to forging ahead with missions to Mars and other planets.

We are already hearing cautious voices calling for spacecraft to be piloted by robots, or even insisting that no new money be spent on space. I say that is wrong. On May 25, 1961, when President John F. Kennedy declared it a national goal to land a man on the Moon, he did so with these words: ''If we are to go only half way, or reduce our sights in the face of difficulty, in my judgment it would be better not to go at all.''

In the spirit of John Glenn, Neil Armstrong, and our other space pioneers, astronauts must once again be sent soaring through the Earth's atmosphere to explore and discover.●

MORNING BUSINESS

Mr. ALLEN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

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

RULES OF THE COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedures of that committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On January 29, 2003, the Committee on Indian Affairs held a business meeting during which the members of the committee unanimously adopted rules to govern the procedures of the Committee. Consistent with Standing Rule XXVI, I ask unanimous consent to have printed in the RECORD a copy of the Rules of the Senate Committee on Indian Affairs.

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

RULES OF THE COMMITTEE ON INDIAN AFFAIRS

Rule 1. The Standing Rules of the Senate, Senate Resolution 4, and the provisions of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, to the extent the provisions of such Act are applicable to the Committee on Indian Affairs and supplemented by these rules, are adopted as the rules of the Committee.

MEETINGS OF THE COMMITTEE

Rule 2. The Committee shall meet on the first Tuesday of each month while the Congress is in session for the purpose of conducting business, unless for the convenience of the Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

OPEN HEARINGS AND MEETINGS

Rule 3. Hearings and business meetings of the Committee shall be open to the public except when the Chairman by a majority vote orders a closed hearing or meeting.

HEARING PROCEDURE

Rule 4(a). Public notice shall be given of the date, place and subject matter of any hearing to be held by the Committee at least one week in advance of such hearing unless the Chairman of the Committee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the Committee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

(b). Each witness who is to appear before the Committee shall file with the Committee, at least 72 hours in advance of the hearing, an original, printed version of his or her written testimony. In addition, each witness shall provide an electronic copy of the

testimony on a computer disk formatted and suitable for use by the Committee. Further, each witness is required to submit by way of electronic mail, one copy of his or her testimony in a format determined by the Committee and sent to an electronic mail address specified by the Committee.

(c). Each member shall be limited to five (5) minutes in questioning of any witness until such times as all Members who so desire have had an opportunity to question the witness unless the Committee shall decide otherwise.

(d). The Chairman and Vice Chairman or the ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such time as the Chairman and Vice Chairman or the Ranking Majority and Minority Members present may agree.

BUSINESS MEETING AGENDA

Rule 5(a). A legislative measure or subject shall be included in the agenda of the next following business meeting of the Committee if a written request by a Member for such information has been filed with the Chairman of the Committee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee to include legislative measures or subject on the Committee agenda in the absence of such request.

(b). Notice of, and the agenda for, any business meeting of the Committee shall be provided to each Member and made available to the public at least two days prior to such meeting, and no new items may be added after the agenda is published except by the approval of a majority of the Members of the Committee. The Clerk shall promptly notify absent members of any action taken by the Committee on matters not included in the published agenda.

QUORUM

Rule 6(a). Except as provided in subsections (b) and (c), eight (8) Members shall constitute a quorum for the conduct of business of the Committee. Consistent with Senate rules, a quorum is presumed to be present unless the absence of a quorum is noted by a Member.

(b). A measure may be ordered reported from the Committee unless an objection is made by a Member, in which case a recorded vote of the Members shall be required.

(c). One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure before the Committee.

VOTING

Rule 7(a). A Recorded vote of the Members shall be taken upon the request of any Member.

(b). Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only for the date for which it is given and upon the terms published in the agenda for that date.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 8. Witnesses in Committee hearings may be required to give testimony under oath whenever the Chairman or Vice Chairman of the Committee deems it to be necessary. At any hearing to confirm a Presidential nomination, the testimony of the nominee, and at the request of any Member, any other witness, shall be under oath.

Every nominee shall submit a financial statement, on forms to be perfected by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. All such statements shall be made public by the Committee unless the Committee, in executive session, determines that special circumstances require a full or partial exception to this rule. Members of the Committee are urged to make public a complete disclosure of their financial interests on forms to be perfected by the Committee in the manner required in the case of Presidential nominees.

CONFIDENTIAL TESTIMONY

Rule 9. No confidential testimony taken by, or confidential material presented to the Committee or any report of the proceedings of a closed Committee hearing or business meeting shall be made public in whole or in part by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 10. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee hearing tends to defame him or her or otherwise adversely affect his or her reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony of evidence.

BROADCASTING OR HEARINGS OR MEETINGS

Rule 11. Any meeting or hearing by the Committee which is open to the public may be covered in whole or in part by television, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the sight, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AMENDING THE RULES

Rule 12. These rules may be amended only by a vote of a majority of all the Members of the Committee in a business meeting of the Committee; Provided, that no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least seven (7) days in advance of such meeting.

.50 CALIBER SNIPER RIFLES

Mr. LEVIN. Mr. President, last week the Violence Policy Center released a report entitled ''Just Like Bird Hunting: The Threat to Civil Aviation From .50 Caliber Sniper Rifles.'' This report discusses the range and power of the .50 caliber sniper rifle and its ammunition, and highlights the potential threat this weapon poses to airports and aircraft. The idea that terrorists can legally obtain these weapons should shake us up and force us to act immediately.

The .50 caliber sniper rifle is among the most powerful weapons legally available. According to the VPC's report, a .50 caliber sniper rifle is capable of accurately hitting a target over a thousand yards away and the ammunition available for the .50 caliber includes armor-piercing, incendiary and explosive bullets. The report also cites the U.S. Army's manual on urban combat which states that .50 caliber sniper rifles are designed to attack bulk fuel tanks and other high-value targets from a distance, using ''their ability to break through all but the thickest shielding material.''

One of the most disturbing parts of the report comes from the leading manufacturer of .50 caliber sniper rifles, Barrett Firearms. According to the VPC report, a brochure advertising the .50 caliber sniper rifle states, ''The cost-effectiveness of the Model 82A1 cannot be overemphasized when a round of ammunition purchased for less than 10USD—U.S. Dollars—can be used to destroy or disable a modern jet aircraft.''

I believe the easy availability and the increased popularity of the .50 caliber sniper rifle poses a danger to homeland security, as well as airline safety. That's why last year I cosponsored Senator FEINSTEIN's Military Sniper Weapon Regulation Act. This bill would change the way .50 caliber guns are regulated by placing them under the requirements of the National Firearms Act. This would subject these weapons to the same regimen of registration and background checks as other weapons of war, such as machine guns. This is a necessary step to assuring the safety of Americans.

The .50 caliber sniper rifle is among the most powerful, and least regulated, firearms legally available. Tighter regulation is needed. If Senator FEINSTEIN's bill is reintroduced, I urge my colleagues to support it.

IN HONOR OF DR. F. MARIAN BISHOP

Mr. HATCH. Mr. President, I rise today to pay special tribute to a wonderful Utah doctor, F. Marian Bishop, Ph.D., M.S.P.H, who has dedicated her life to the practice of family medicine. Her shining example of service and dedication to the health and well being of people across America is truly extraordinary.

Dr. Bishop was recently named the recipient of the John G. Walsh Award by the American Academy of Family Physicians, AFP, because of her dedicated, long-term commitment to furthering the development of family practice. This award is one of the highest honors presented by the Academy.

In addition, Dr. Bishop has also received the United States Public Health Service Director's Award from the National Health Service Corps in 1990; the 2001 Women Who Make A Difference Award from the International Women's Forum; and in 2000 the Society of Teachers of Family Medicine, STFM, Foundation created the F. Marian Bishop Scholars program to benefit future students.

Dr. Bishop is currently a professor and chairman emeritus of the Department of Family and Preventative Medicine at the University of Utah. The knowledge and enthusiasm she has shared with countless students have been felt by many and have helped provide the impetus for many future family practitioners.

Dr. Bishop is a tireless advocate for the development of family practice and has served in many positions to further promote this wonderful field of medicine. She has assumed leadership positions for the Department of Health and

Human Services in several areas including: peer review; Area Health Education Centers; title VII health professions; and the External Advisory Panel for Primary Care. She was instrumental in developing the Committee for the Departments of Family Medicine Grant Reviews and chaired the National Advisory Council on Health Professions Education. She is currently serving as the vice president for the Council on Graduate Medical Education for the Health Resources and Services Administration.

She has also served in many capacities in Utah State government including as: a member of the Utah Task Force on Rural Health Policy Development, chairwoman of the Rural Medical Financial Assistance Committee, and a member of the Preventive Health Care Services Technical Advisory Group for the Utah Health Policy Commission.

I am also particularly grateful for the service Dr. Bishop has given me as a member of my Utah Women's Advisory Committee. She has been a valuable asset on this committee providing me with input and excellent ideas concerning women's health issues.

Dr. Bishop can also add author to her long list of accomplishments. She has published several important articles in such prestigious publications as: the British Journal of Medical Education, the Journal of Practical Nursing, the Journal of Community Health, and the Textbook of Family Practice. She is currently serving as the chairwoman for the American Journal of Preventive Medicine.

Sadly, Dr. Bishop is now battling her own personal health crisis. I sincerely hope she is able to draw upon the strength and courage she imparted to the many people she touched throughout her medical and teaching career to ease her own pain and suffering. The service she has so unselfishly given to students, patients, and the medical community is exemplary and the contributions she made to the field of family practice will be felt for years to come. I am grateful for the opportunity today to honor this wonderful doctor, mother, and woman.

ADDITIONAL STATEMENTS

HONORING CINDY DWYER

● Mr. JOHNSON. Mr. President, I ask that the following statement from our former colleague, Senator Bob Kerrey of Nebraska, be printed in the RECORD. Senator Kerrey is providing this statement concerning a former member of his Senate staff who is presently serving as my scheduler.

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

We Americans have been taught to believe our share of myths. Myths are not lies; they are, like George Washington's decision to tell the truth about a fallen cherry tree, stories with a purpose. The purpose, however, is not always benign. Malignant myths have their roots in the soil of despair. They are told by those who do not believe in the possibility of human beings being motivated by the desire to do good.

Among the most destructive of cynical myths is that people who work for politicians are old corrupt hacks who only care about keeping their bosses in power. Cindy Dwyer is living evidence that the cynics are wrong, and what is most wonderful about Washington, DC, is that her story is not unique.

Cindy was 20 years old and a junior in college when she volunteered for a Senate campaign in South Dakota. Her candidate won and she went back to school. When she finished, her candidate, now a Senator, called to offer her a job. Cindy rolled the dice and said yes.

In the Senator's office she met and became friends with a legislative assistant by the name of Tom Daschle. She stayed for a few years and then moved back to South Dakota to teach kindergarten. Not long after settling back into private life her legislative assistant friend called to say he was running for Congress. He offered her a job in his campaign. Tom Daschle won that race and Cindy raced back to DC where she served as his scheduler. When Tom made a successful run for Senate in 1986, she moved over to his Senate office to become his press secretary.

And that is where I come into her story. In late 1987 I decided I would become a candidate for U.S. Senate. I had learned enough to know that my most important hire would be the person who did my scheduling and I learned that Cindy just might be willing to join our campaign. Fortunately for me and unfortunately for my opponent Cindy said yes. And, when the campaign was over I asked her to move to Washington one more time.

For the 12 years I served Nebraskans in the Senate she managed my most valuable commodity: my time. She helped me do my job much better than I could have without her. She extended my reach, increased the scope of my vision, and broadened the number of volunteer partners at home. She never failed to return a phone call. She could say no and make it sound like yes. She wouldn't leave the office until my plane was safely on the ground. If her salary were calculated by the hour, she would have been among the lowest paid people in the American workforce.

But Cindy, like most of the other young people in Washington, does not do what she does in order to reap financial rewards. She does what she does because she loves our country, wants to make it a better place, seeks to increase citizen confidence that our Government is ''of, by and for the people,'' and thinks her greatest accomplishments were when she used the power of the office for the good of just one person in trouble.

It seems a perfect ending to a heroic story that Cindy went to work for Senator Tim Johnson and helped him win one of the most difficult campaigns in 2002. So it is that she will spend her last day doing the same thing she did on her first: working for the people of South Dakota. It is just as perfect that in many ways Cindy's nearly 28 years of service in Congress were spent doing many of the same things she did when she taught preschool and kindergarten. Members of Congress were behaving like children long before psychiatrists recommended that we get in tough with our inner child.

Cindy Dwyer always stayed in touch with her inner teacher. She mentored every young staffer who had the good fortune to fall under her authority. She never hoarded her good advice or good wishes. She took delight when others learned from her and succeeded because of it. Most importantly Cindy gave delight to anyone who spoke with her on the phone. For no gift can match the jolt of good news from her joyful voice shouting out: ''How are you doing?''

The answer, is that thanks to Cindy we are doing just fine.●

IN RECOGNITION OF THE EFFORTS OF THE DELAWARE MENTORING COUNCIL

● Mr. CARPER. Mr. President, I rise today to recognize the good work of the Delaware Mentoring Council and to celebrate the efforts of mentors across our great country. With the designation of January as National Mentoring Month, we focus national attention on the need for mentors, as well as how each of us—individuals, businesses, schools and community groups—can work together to increase the number of mentors and assure brighter futures for our young people.

Mentors serve as role models, advocates, friends, and advisors. Numerous studies document that mentors help young people augment social skills, enhance emotional well-being, improve cognitive skills, and plan for the future. For some children, having a caring adult mentor to turn to for guidance and encouragement can make the crucial difference between success and failure in life.

Delaware has been showing communities across the country the power of mentoring for quite a while. Mentoring has become an integral part of our school system in Delaware and is one of the keys to improving academic achievement among at-risk students.

As Governor, I helped recruit thousands of mentors as part of a statewide effort and was actively involved in recruiting individuals, churches, service clubs, students, and corporations to help in mentoring Delaware's at-risk children. I first experienced the joy of mentoring in 1997 when I became a mentor to Darryl Burton, a fifth grader at Wilmington's Warner Elementary School. More than 5 years later, we now meet at Delcastle High School, where he is a freshman, every week during the school year. I know from personal experience that there are few things more rewarding than making a difference in the life of a child. Literally hundreds of mentors have said to me of their mentoring experience over the past 6 years, ''I know I'm helping the young person that I mentor, but I get even more out of it than they do.''

We are making great strides in the First State in helping thousands of additional students realize their full potential, along with Delaware's rigorous academic standards. The Delaware Mentoring Council is, in large part, leading the way. We must continue to work to level the playing field and give every child the tools they need to succeed in school and in life.

I am proud to be part of Delaware's army of mentors. We know that there are thousands of other students in our schools who would benefit greatly from

having another positive role model in their lives, so I urge others to join us. For a child living in the shadows of life, an hour of our time can make a lifetime of difference for that child and for each of us.●

THE BOISE STATE UNIVERSITY 2002 FOOTBALL PROGRAM

● Mr. CRAPO. Mr. President, we rise today to ask the Senate to join us in recognizing the accomplishments of the 2002 Football Program at Boise State University (BSU), in our home State of Idaho. Senator LARRY CRAIG, Congressman MIKE SIMPSON, Congressman C.L. ''BUTCH'' OTTER, and I wish to honor the players, Head Coach Dan Hawkins, his entire staff, the administrators of BSU, the Bronco Athletic Association, and the thousands of BSU fans for the outstanding season. The Broncos of BSU have excelled in both academics and sportsmanship. The team is a source of pride for the university, the city of Boise, and the entire State of Idaho.

The Broncos began the season with optimism and commitment; their hard work was rewarded by the following accomplishments:

2002 Western Athletic Conference (WAC) Champions; 8 wins and no losses in the WAC; an overall record of 12 wins and only 1 loss; the highest overall margin of victory in the history of the WAC of 37.2 points per game; Humanitarian Bowl Champions with a 34 to 16 win over Iowa State University; #1 team in the Nation in team scoring; #1 team in the Nation in total offense; #1 team in the Nation in passing efficiency; #17 team in the Nation in scoring defense; ranked #15 in the Nation in the AP Poll; ranked #12 in the Nation in the ESPN/USA Today Coaches Poll, and Second longest current winning streak in the country, second only to National Champion Ohio State University.

Through service, the BSU Broncos have taken the energy they generate on the field and spread it throughout the Boise community. Mentoring children, hosting youth football camps, and visiting the Ronald McDonald House are just a few examples of how the BSU Football Program benefits Idaho.

We recognize the extraordinary progress and development of the BSU football program and look to its success as an example of what can be accomplished with leadership, commitment, determination, and, most importantly, teamwork.

We congratulate the football program of Boise State University for the achievements made and look forward to future success and a strong defense of its conference title.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

BUDGET MESSAGE FOR FISCAL YEAR 2004—PM 8

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, received on February 3, 2003; to the Committees on Appropriations; and the Budget:

THE BUDGET MESSAGE OF THE PRESIDENT

The budget for 2004 meets the challenges posed by three national priorities: winning the war against terrorism, securing the homeland, and generating long-term economic growth. It restrains the growth in federal spending and addresses the long-term fiscal challenges presented by Medicare and Social Security's unfunded promises. This year's budget also helps America meet its goals both at home and overseas.

We remain at war with an enemy that seeks to use murder, stealth, and fear against all free nations. Yet our response has been resolute. The people of Afghanistan have been freed from the oppressive regime that sponsors the terrorists who planned and carried out the attacks of September 11, 2001. We are hunting down the terrorist leaders and their collaborators, one by one. And we continue to disrupt their plots, shut down their financing, and deny them safe haven.

We have moved to secure the nation's safety. Just 10 days ago, the new Department of Homeland Security began operations in the biggest reorganization of the Federal Government in a half-century. The cabinet-level department unifies the work of 22 programs and agencies and will move quickly to better protect Americans from threats here at home. We also have moved to defend America's interests abroad, and to confront danger wherever it emerges. Working with our allies and partners, we will face down regimes that govern by fear and deception, and we will devote the necessary resources to protect ourselves and our friends against the use of weapons of mass destruction.

We are strengthening our economy by allowing American families to keep more of their own money and encouraging businesses to save, spend, and grow. While the economy is growing, it is not growing fast enough. Too many Americans who want to work can't find a job, and too many American families are falling behind.

The growth and jobs plan I outlined earlier this year will provide critical momentum to our economic recovery. For every American paying income taxes, I propose speeding up the tax cuts already approved by the Congress, because Americans need that relief today. And for America's 84 million investors, and those who will become investors, I propose eliminating the double taxation of stock dividends. Double taxation is unfair and bad for our economy.

Government cannot manage or control the economy. But government can remove the barriers blocking stronger economic growth. My plan will give Americans more tools to achieve that growth.

A recession and a war we did not choose have led to the return of deficits. My administration firmly believes in controlling the deficit and reducing it as the economy strengthens and our national security interests are met. Compared to the overall federal budget and the $10.5 trillion national economy, our budget gap is small by historical standards. By protecting our vital national security interests and promoting economic growth, we will meet the challenges and concerns of the American people. We will not let them down.

I will also insist on spending discipline in Washington, D.C., so we can meet our priorities. We must prepare for the future costs of Social Security and Medicare. My budget takes the first steps toward modernizing Medicare and includes prescription drug coverage.

We will continue to focus on getting results from federal spending. A federal program's measure of success is not its size, but the value it delivers. And my budget will focus on this goal in a new and important way. If federal programs cannot show results, they should be overhauled, or retired.

And while human compassion cannot be summarized in dollars and cents, this budget addresses the many challenges our society faces: bridging the gap for low-income families, so they can buy affordable homes; helping communities of faith pull the addicted from the grip of drugs; lifting children out of poverty and hopelessness by creating good schools and offering them caring adult mentors; and easing the pain and hardship of the global epidemic of AIDS.

Some of the challenges we face will endure for many years and require great resources. As we look down that path, we will not always get to choose which battles we fight. It is, however, our duty to fight them. History may not remember every single way we contributed to this nation's betterment, but it will remember if we failed to try. The courage to take on challenges, and the enterprise with which we have succeeded in meeting them, have always distinguished America. This same courage and enterprise will help America

meet these challenges, and prevail once again.

GEORGE W. BUSH.
THE WHITE HOUSE, *February 3, 2003.*

REPORT DETAILING THE PROGRESS OF SPENDING BY THE EXECUTIVE BRANCH DURING THE LAST TWO QUARTERS OF FISCAL YEAR 2002 IN SUPPORT OF PLAN COLOMBIA, RECEIVED ON FEBRUARY 4, 2003—PM 9

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Pursuant to Public Law 106–246, section 3204(e), I am providing a report prepared by my Administration detailing the progress of spending by the executive branch during the last two quarters of Fiscal Year 2002 in support of Plan Colombia.

GEORGE W. BUSH.
THE WHITE HOUSE, *February 4, 2003.*

REPORT RELATIVE TO MILITARILY SIGNIFICANT BENCHMARKS FOR CONDITIONS THAT WOULD ACHIEVE A SUSTAINABLE PEACE IN KOSOVO AND ULTIMATELY ALLOW FOR THE WITHDRAWAL OF THE UNITED STATES MILITARY PRESENCE IN KOSOVO, RECEIVED ON JANUARY 31, 2003—PM 10

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Pursuant to section 1212 of the National Defense Authorization Act for Fiscal Year 2001, Public Law 106–398, I hereby submit a report, prepared by my Administration, on the progress made in achieving the militarily significant benchmarks for conditions that would achieve a sustainable peace in Kosovo and ultimately allow for the withdrawal of the United States military presence in Kosovo.

The term ''militarily significant'' relates to tasks and objectives significant from a military standpoint that once accomplished, would allow for withdrawal of military forces from Kosovo. In the establishment of the Kosovo benchmarks, four critical tasks for NATO forces were identified: military stability; public security; border/boundary issues; and war crimes/support to the International Criminal Tribunal for the Former Yugoslavia. Objectives for these tasks were drawn from United Nations Security Council Resolution 1244, the NATO Operations Plan, the Military Technical Agreement, and the Kosovo Liberation Army Undertaking.

I anticipate that Kosovo Force—and U.S. participation in it—will gradually reduce in size as public security conditions improve and Kosovars assume increasing responsibility for their own self-government.

GEORGE W. BUSH.
THE WHITE HOUSE, *January 31, 2003.*

REPORT ON THE PROGRESS TOWARD ACHIEVING BENCHMARKS FOR A SUSTAINABLE PEACE PROCESS IN BOSNIA AND HERZEGOVINA, RECEIVED ON FEBRUARY 4, 2003—PM 11

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

To the Congress of the United States:

As required by the Levin Amendment to the 1998 Supplemental Appropriations and Rescissions Act (section 7(b) of Public Law 105–174) and section 1203(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261), I am providing a report prepared by my Administration on progress made toward achieving benchmarks for a sustainable peace process in Bosnia and Herzegovina.

This seventh report, which also includes supplemental reporting as required by section 1203(a) of Public Law 105–261, provides an updated assessment of progress on the benchmarks covering the period January 1 to December 31, 2002.

GEORGE W. BUSH.
THE WHITE HOUSE, *February 4, 2003.*

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

Under the authority of the order of January 7, 2003, the Secretary of the Senate, on January 31, 2003, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 13. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

Under the authority of the order of January 7, 2003, the enrolled bill was signed by the President pro tempore (Mr. STEVENS) on January 31, 2003.

Under the authority of the order of January 7, 2003, the Secretary of the Senate, on January 31, 2003, during the recess of the Senate, received a message from the House of Representatives announcing that pursuant to 50 U.S.C. 401, section 1002(b) of the Intelligence Authorization Act, the Minority Leader appoints the following to the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community. Ms. LOFGREN of California and Mr. Maurice Sonnenberg of New York.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–872. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Telemarketing Sales Rule Amendments (3084–AA86)'' received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–873. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Commission Reporting Requirements Under Section 8 of The Clayton Act, 15 U.S.C. Sec. 19(a)(5)'' received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–874. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations (Including 2 regulations) [CGD08–02–023] [CGD08–02–022] (2115–AE47)(2003–0004)'' received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–875. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations (including 3 regulations) [COTP San Diego 03–002] [COTP San Diego 03–004] [COTP San Diego 03–005]'' received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–876. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; (Including 4 regulations) [COTP Miami 02–115] [COTP Jacksonville 02–066] [CGD08–01–025] [CGD08–01–043] (2115–AA97)(2003–0006)'' received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–877. A communication from the Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Monitoring of Recreational Landing; Retention Limit for Recreationally Landed North Atlantic Swordfish (RIN0648–AN06)'' received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–878. A communication from the Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Final rule to Implement Stellar Sea Lion Protection Measures (0648–AQ08)'' received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–879. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D Airspace; Sparta, WI; Modification of Class E Airspace; Sparta, WI/Docket no. 02–AGL–15 (2120–

AA66)(2003–0038)'' received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–880. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Dayton, OH; Docket No. 02–AGL–13 (2120–AA66)(2003–0034)'' received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–881. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Sikeston, MO; Docket No. 03–ACE–2 (2120–AA66)(2003–0033)'' received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–882. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Columbus, OH; Docket No. 02–AGL–14 (2120–AA66)(2003–0037)'' received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–883. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Circlevile, OH; Docket no. 02–AGL–08 (2120–AA66)(2003–0036)'' received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–884. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–400 and 400D Series Airplanes; Docket No. 2002–NM–46 (2120–AA64)(2003–0100)'' received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–885. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Fokker Model F.28 Mark 0070 and 0100 Series Airplanes; Docket No. 2001–NM–290 (2120–AA64)(2003–0105)'' received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–886. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bell Helicopter Textron, Inc. Model 204B, 205A–1, 205A–1, 205B, and 212 Helicopters; Docket No. 2002–SW–14 (2120–AA64)(2003–0104)'' received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–887. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model CL 600 2B19 Series Airplanes; Docket No. 2001–NM–250 (2120–AA64)(2003–0103)'' received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–888. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747 Series Airplanes, Docket No. 2002–NM–85 (2120–AA64)(2003–0097)'' received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–889. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (19); Amdt. No. 3039 (2120–AA65)(2003–0007)'' received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–890. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Ineligibility for an Airman Certificate Based on Security Grounds; Docket No. FAA–2003–14293 (2120–AH84)'' received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–891. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Aircraft Company Beech Models 36, A36, A36TC, B36TC, 58, and 58A Airplanes Docket No. 2002–CE–07 (2120–AA64)(2003–0099)'' received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–892. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC 9 10, 20, –30, 40, and 50 Series Airplanes: and Model DC 9 81, 82, 83, 87 and 88 Airplanes; Docket No. 2002–NM–53 (2120–AA64)(2003–0098)'' received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–893. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Indianapolis, IN; Correction; Docket No. 02–AGL–09 (2120–AA66)(2003–0035)'' received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–894. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC 9–81, –82, –83 Airplanes; and Model MD 88 Airplanes Docket No. 2000–NM–166 (2120–AA64)(2003–0101)'' received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–895. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: General Electric Co. CF6–80A Series Turbofan Engines; Docket No. 2002–NE–44 (2120–AA64)(2003–0102)'' received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–896. A communication from the Deputy Assistant Administrator, Regulatory Programs, National Marine Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Observer Coverage Requirements for Vessels and Shoreline Processors in the North Pacific Groundfish Fisheries, Final Rule (0548–AM44)'' received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–897. A communication from the Deputy Assistant Administrator, Regulatory Programs, National Marine Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson Act Provisions, Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery, Groundfish Fishery Management Measures'' received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–898. A communication from the Attorney, Bureau of Transportation Statistics, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Reports of Motor Carriers—Correction of Obsolete Reference and Minor Editorial Corrections (2139–AA10); to the Committee on Commerce, Science, and Transportation.

EC–899. A communication from the Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Commercial Driver's License Standards, Requirements and Penalties, Commercial Driver's License Program Improvements and Noncommercial Motor Vehicle Violations (2126–AA60)(2003–0001)'' received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–900. A communication from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Joint Hurricane Testbed (JHT) Opportunities for Transfer of Research and Technology into Tropical Cyclone Analysis and Forecast Operations'' received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–901. A communication from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Request for Proposals for FY 2003–NOAA Educational Partnership Program with Minority Serving Institutions: Environmental Entrepreneurship Program'' received on January 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–902. A communication from the Chair, Office of the General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Increased Contribution and Coordinated Party Expenditure Limits for Candidates Opposing Self-Financed Candidates'' received on January 21, 2003; to the Committee on Rules and Administration.

EC–903. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Full approval of Operating Permit Program; Maryland (FRL7440–2)'' received on January 15, 2003; to the Committee on Environment and Public Works.

EC–904. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Change of Physical Location of EPA's Environmental Appeals Board (FRL7439–7)'' received on January 15, 2003; to the Committee on Environment and Public Works.

EC–905. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval Implementation Plans; Ohio (FRL7428–5)'' received on January 15, 2003; to the Committee on Environment and Public Works.

EC–906. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Arizona; Motor Vehicle Inspection and Maintenance Programs (FRL7418–8)'' received on January 15, 2003; to

the Committee on Environment and Public Works.

EC–907. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans, Ohio Oxides of Nitrogen Regulations'' received on January 15, 2003; to the Committee on Environment and Public Works.

EC–908. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of a proposed Bill to authorize $6 Million to develop and implement interagency environmental streamlining initiatives authorized under section 1309 of the Transportation Equity Act for the 21st Century (TEA–21); to the Committee on Environment and Public Works.

EC–909. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Metropolitan Transportation Planning and Programming (2125–AE92)'' received on January 27, 2003; to the Committee on Environment and Public Works.

EC–910. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Statewide Transportation Planning; Metropolitan Transportation Planning (2125–AE95)'' received on January 27, 2003; to the Committee on Environment and Public Works.

EC–911. A communication from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Disclosure Required by Sections 406 and 407 of the Sarbanes-Oxley Act of 2002 (3235–AI66)'' received on January 27, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–912. A communication from the Deputy Secretary, Office of the Chief Accountant, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Rule 2–06 of Regulations S–X, Retention of Audit and Review records (3235–AI74)'' received on January 27, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–913. A communication from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Certification of Management Investment Company Shareholder Report and Designation of Certified Shareholder Report as Exchange Act Reporting Forms; Disclosure Required by sections 406 and 407 of the Sarbanes-Oxley Act of 2002 (3235–AI63) (3235–AI66)'' received on January 27, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–914. A communication from the Chief Judge, United States Court of Federal Claims, transmitting, pursuant to law, the report relative to RICHARD M. BARLOW v. THE UNITED STATES, and the report of the Review Panel filed on November 1, 2002 and the Redacted Report filed on September 13, 2002; to the Committee on the Judiciary.

EC–915. A communication from the Clerk of the Court, United States Court of Federal Claims, transmitting, pursuant to law, the report of the United States Court of Federal Claims for the year ended September 30, 2002; to the Committee on the Judiciary.

EC–916. A communication from the Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Final Rule Relating to Notice of Blackout Periods to Participants and Beneficiaries (1210–AA90)'' received on January 24, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–917. A communication from the Director, Regulations Policy and Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Final Monograph or Combination Drug Products (0910–AA01)'' received on January 27, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–918. A communication from the Director, Regulations Policy and Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Labeling of Diphenhydramine—Containing Drug Products for Over-the Counter Human Use (0910–AA01) (Doc. No. 97N–0128)'' received on January 27, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–919. A communication from the Assistant Secretary, Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy in the position of Solicitor of Labor, received on January 27, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–920. A communication from the Assistant Secretary, Administration and Management, Department of Labor, transmitting, pursuant to law, the report of the designation of acting officer for the position of Solicitor of Labor, received on January 27, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–921. A communication from the Secretary of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Production or Disclosure of Official Information in Connection With Legal Proceedings (1601–AA01)'' received on January 27, 2003; to the Committee on Governmental Affairs.

EC–922. A communication from the Secretary of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Freedom of Information Act and Privacy Act Procedures'' received on January 27, 2003; to the Committee on Governmental Affairs.

EC–923. A communication from the Secretary of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Classified National Security Information (1601–AA02)'' received on January 27, 2003; to the Select Committee on Intelligence.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS—MONDAY FEBRUARY 4, 2003

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

By Mr. FRIST (for himself, Mr. DASCHLE, Mr. MCCONNELL, Mr. REID, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Ms. CANTWELL, Mr. 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 Carolina, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, 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.

S. Res. 41. A resolution honoring the mission of the space shuttle Columbia; considered and agreed to.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

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

S. 273. A bill to provide for the expeditious completion of the acquisition 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.

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.

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.

By Mr. HOLLINGS (for himself and Mr. GRAHAM of South Carolina):

S. 276. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Southern Campaign of the Revolution Heritage Area in the State of South Carolina, and for other purposes; to the Committee on Energy and Natural Resources.

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.

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.

By Mr. COCHRAN:

S. 279. A bill for the relief of the heirs of Clark M. Beggerly, Sr., of Jackson County, Mississippi; to the Committee on the Judiciary.

By Mr. COCHRAN:

S. 280. A bill to address claims relating to Horn Island, Mississippi; to the Committee on the Judiciary.

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.

By Ms. SNOWE:

S. 282. A bill to amend the Education Sciences Reform 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.

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.

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.

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.

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.

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.

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.

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 provide tax equity for military personnel, and for other purposes; to the Committee on Finance.

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.

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.

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, Labor, and Pensions.

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.

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.

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.

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.

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.

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.

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.

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.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. COCHRAN:

S. Res. 42. A resolution 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; to the Committee on the Judiciary.

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 43. A resolution to commend Daniel W. Pelham; considered and agreed to.

By Mr. GRAHAM of South Carolina (for himself, Mr. DORGAN, Ms. MURKOWSKI, Mr. BIDEN, and Mr. REED):

S. Res. 44. A resolution designating the week beginning February 2, 2003, as ''National School Counseling Week''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 19

At the request of Mr. DASCHLE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 19, a bill to amend the Internal Revenue Code of 1986 and titles 10 and 38, United States Code, to improve benefits for members of the uniformed services and for veterans, and for other purposes.

S. 38

At the request of Mr. VOINOVICH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 38, a bill to designate the Federal building and United States courthouse located at 10 East Commerce Street in Youngstown, Ohio, as the ''Nathaniel R. Jones Federal Building and United States Courthouse.

S. 85

At the request of Mr. LUGAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 85, a bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory.

S. 87

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 87, a bill to provide for homeland security block grants.

S. 98

At the request of Mr. ALLARD, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 98, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statutes of the United States, to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 130

At the request of Mrs. BOXER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 130, a bill to amend the labeling requirements of the Dolphin Protection Consumer Information Act, and for other purposes.

S. 138

At the request of Mr. ROCKEFELLER, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 138, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program.

S. 144

At the request of Mr. CRAIG, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 144, a bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land.

S. 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. 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

''§ 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. 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:

(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:

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 re-introducing 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:

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

inclusion of elementary and secondary school counseling programs in the reauthorization of the Elementary and Secondary Education Act of 1965;

Whereas school counselors have long advocated that the American education system must leave no child behind and must provide opportunities for every student;

Whereas personal and social growth results in increased academic achievement;

Whereas school counselors help develop well-rounded students by guiding them through their academic, personal, social, and career development;

Whereas school counselors were instrumental in helping students, teachers, and parents deal with the trauma of terrorism inflicted on the United States on September 11, 2001, and its aftermath;

Whereas students face myriad challenges every day, including peer pressure, depression, and school violence;

Whereas school counselors are usually the only professionals in a school building that are trained in both education and mental health;

Whereas the roles and responsibilities of school counselors are often misunderstood, and the school counselor position is often among the first to be eliminated in order to meet budgetary constraints;

Whereas the national average ratio of students to school counselors of 561 to 1 is more than double the 250 to 1 ratio recommended by the American School Counselor Association, the American Counseling Association, the American Medical Association, the American Psychological Association, and other organizations; and

Whereas the celebration of ''National School Counseling Week'' would increase awareness of the important and necessary role school counselors play in the lives of the Nation's students: Now, therefore be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL SCHOOL COUNSELING WEEK.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate the week beginning February 2, 2003, as ''National School Counseling Week''.

(b) PROCLAMATION.—The Senate requests the President to issue a proclamation—

(1) designating the week beginning February 2, 2003, as ''National School Counseling Week''; and

(2) calling on the people of the United States and interested groups to observe the week with appropriate ceremonies and activities that promote awareness of the role school counselors perform within the school and the community at large to prepare students for fulfilling lives as contributing members of society.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI: Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources to consider the nomination of Joseph T. Kelliher to be a Member of the Federal Energy Regulatory Commission.

The hearing is scheduled for Tuesday, February 11 at 2:30 p.m. in Room SH–216 of the Hart Senate Office Building.

Those wishing to submit written testimony for the hearing record should send a copy of their testimony electronically to:

Jennifer_Owen@energy.senate.gov.

For further information, please contact Jennifer Owen at 202–224–5305.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI: Mr. President, I would like to announce for the information of the Senate and the public that the following hearings have been scheduled before the Committee on Energy and Natural Resources.

Thursday, February 13 at 2:30 p.m. in Room SD–366—to receive testimony regarding oil supply and prices. (Contact: Scott O'Malia at 202–224–2039 or Jennifer Owen at 202–224–5305)

Tuesday, February 25 at 2:30 p.m. in Room SD–366—To receive testimony regarding natural gas supply and prices. (Contact: Scott O'Malia at 202–224–2039 or Shane Perekins 202–224–1219)

Thursday, February 25 at 10:00 a.m. in Room SD–366—To receive testimony regarding energy production on Federal lands. (Contact: Dick Bouts at 202–224–7545 or Jared Stubbs at 202–224–7556)

Tuesday, March 4 at 10:00 a.m. in Room SD–366—To receive testimony regarding the financial condition of the electricity market. (Contact: Lisa Epifani at 202–224–5269 or Shane Parkins at 202–224–1219)

Thursday, March 6 at 10:0 a.m. in Room SD–366—To receive testimony regarding energy use in the transportation sector. (Contact: Bryan Hannegan at 202–224–7932 or Shane Perkins at 202–224–1219)

Tuesday, March 11 at 10:00 a.m. in Room SD–366—To receive testimony regarding Federal programs for energy efficiency and conservation. (Contact: Bryan Hannegan at 202–224–7932 or Shane Perkins at 202–224–1219)

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send a copy of their testimony electronically to:

Jennifer_Owen@energy.senate.gov.

For further information, please contact the Committee staff as indicated above for each hearing.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. ALLEN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the Executive Calendar: No. 22, Paul McHale, to be Assistant Secretary of Defense; and No. 23, Christopher Henry, to be Deputy Under Secretary of Defense for Policy; I further ask consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, any statements relating to the nominations be printed in the RECORD, and that the Senate then resume legislative session, with all of the above occurring en bloc.

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

The nominations were considered and confirmed en bloc as follows:

DEPARTMENT OF DEFENSE

Paul McHale, of Pennsylvania, to be an Assistant Secretary of Defense.

Christopher Ryan Henry, of Virginia, to be Deputy Under Secretary of Defense for Policy.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

COMMENDING DANIEL W. PELHAM

Mr. ALLEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 43, which was introduced earlier today by Majority Leader FRIST.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 43) to commend Daniel W. Pelham.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, only four of the Senate's current members were serving on March 25, 1968, when Daniel Pelham first came to work on the Senate side of Capitol Hill. Mr. Pelham—or Danny, as he is known throughout the Senate community—has seen 237 senators come and go during his time here.

Now, after nearly 35 years on the job, Danny has decided that it is time for him to move on to other activities.

A native of Wilmington, NC, Danny Pelham quickly demonstrated his talents as an effective, loyal, and hard-working employee. In 1975, he moved from the staff of the Senate Restaurant to the Office of the Secretary of the Senate. A series of well-deserved promotions followed until he reached his current position as Senior Office Services Administrator.

One of his colleagues recently explained that ''by virtue of his longevity and institutional knowledge, Pelham is indispensable to the staff who rely on him for all manner of tasks.'' Another person will move into Danny's job, but no one will fully replace him.

In his off-hours, Danny officiates at high school and recreational league basketball games. Several years ago, he received the Cardinal Basketball Association Commissioner's Award for excellence in officiating. In the years ahead, he plans to do more officiating and a fair amount of traveling.

We know, for certain, that Danny Pelham will settle into another highly rewarding activity—that of spending enjoyable hours with his grandson Corey. We wish Danny and his wife Phyllis many happy years ahead.

Mr. ALLEN. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to, the motion to reconsider be laid upon the

table, and any statements regarding the resolution be printed in the RECORD.

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

The resolution (S. Res. 43) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 43

Whereas Daniel W. Palham 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.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the order of the Senate of January 24, 1901, as modified by the order of January 30, 2003, appoints the Senator from Georgia (Mr. CHAMBLISS) to read Washington's Farewell Address on Monday, February 24, 2003.

ORDERS FOR WEDNESDAY, FEBRUARY 5, 2003

Mr. ALLEN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Wednesday, February 5. I further ask unanimous consent that on Wednesday, following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business until 12:30 p.m. with the time equally divided between the two leaders or their designees.

I further ask unanimous consent that the Senate stand in recess from 12:30 to 2:15 p.m. tomorrow for the weekly party lunches.

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

PROGRAM

Mr. ALLEN. For the information of Senators, tomorrow the Senate will be in a period of morning business until 12:30 p.m. Members who have not yet had the opportunity to make statements regarding the *Columbia* tragedy are encouraged to do so tomorrow morning. I would expect that on Wednesday, the Senate will consider a resolution related to the Shuttle *Columbia*.

As a reminder, under a previous agreement, the Senate will proceed to the consideration of the nomination of Miguel Estrada for the DC Court of Appeals tomorrow at 2:15 p.m.

Members, therefore, should anticipate the possibility of votes during tomorrow's session.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. ALLEN. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:23 p.m., adjourned until Wednesday, February 5, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 4, 2003:

TENNESSEE VALLEY AUTHORITY

RICHARD W. MOORE, OF ALABAMA, TO BE INSPECTOR GENERAL, TENNESSEE VALLEY AUTHORITY. (NEW POSITION)

DEPARTMENT OF JUSTICE

PETER JOSEPH ELLIOTT, OF OHIO, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF OHIO FOR THE TERM OF FOUR YEARS, VICE DAVID WILLIAM TROUTMAN.

DEPARTMENT OF STATE

JOSEPH LEBARON, OF OREGON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF MAURITANIA.

DEPARTMENT OF THE INTERIOR

ROSS OWEN SWIMMER, OF OKLAHOMA, TO BE SPECIAL TRUSTEE, OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS, DEPARTMENT OF THE INTERIOR, VICE THOMAS N. SLONAKER, RESIGNED.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

ERIC S. DREIBAND, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM OF FOUR YEARS, VICE CLIFFORD GREGORY STEWART.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MARY COSTA, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2006, VICE LUIS VALDEZ, TERM EXPIRED.

MAKOTO FUJIMURA, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2008, VICE MARSHA MASON, TERM EXPIRED.

JERRY PINKNEY, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2008, VICE JOY HARJO, TERM EXPIRED.

KAREN LIAS WOLFF, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2008, VICE JOAN SPECTER, TERM EXPIRED.

DEPARTMENT OF ENERGY

LINTON F. BROOKS, OF VIRGINIA, TO BE UNDER SECRETARY FOR NUCLEAR SECURITY, DEPARTMENT OF ENERGY, VICE GENERAL JOHN A. GORDON, USAF, RESIGNED.

DEPARTMENT OF DEFENSE

STEPHEN A. CAMBONE, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE. (NEW POSITION)

CONFIRMATIONS

Executive nominations confirmed by the Senate February 4, 2003:

DEPARTMENT OF DEFENSE

PAUL MCHALE, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

CHRISTOPHER RYAN HENRY, OF VIRGINIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR POLICY.