

HATCH (AND LEAHY AMENDMENT
NO. 335)

Mr. HATCH (for himself and Mr. LEAHY) proposed an amendment to the bill, S. 254, supra; as follows:

On page 265, below line 20, add the following:

SEC. 402. PROVISION OF INTERNET FILTERING OR SCREENING SOFTWARE BY CERTAIN INTERNET SERVICE PROVIDERS.

(a) **REQUIREMENT TO PROVIDE.**—Each Internet service provider shall at the time of entering an agreement with a residential customer for the provision of Internet access services, provide to such customer, either at no fee or at a fee not in excess of the amount specified in subsection (c), computer software or another filtering or blocking system that allows the customer to prevent the access of minors to material on the Internet.

(b) **SURVEYS OF PROVISION OF SOFTWARE OR SYSTEMS.**—

(1) **SURVEYS.**—The Office of Juvenile Justice and Delinquency Prevention of the Department of Justice and the Federal Trade Commission shall jointly conduct surveys of the extent to which Internet service providers are providing computer software or systems described in subsection (a) to their subscribers.

(2) **FREQUENCY.**—The surveys required by paragraph (1) shall be completed as follows:

(A) One shall be completed not later than one year after the date of the enactment of this Act.

(B) One shall be completed not later than two years after that date.

(C) One shall be completed not later than three years after that date.

(c) **FEES.**—The fee, if any, charged and collected by an Internet service provider for providing computer software or a system described in subsection (a) to a residential customer shall not exceed the amount equal to the cost of the provider in providing the software or system to the subscriber, including the cost of the software or system and of any license required with respect to the software or system.

(d) **APPLICABILITY.**—The requirement described in subsection (a) shall become effective only if—

(1) 1 year after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(A) that less than 75 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided computer software or systems described in subsection (a) by such providers;

(2) 2 years after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(B) that less than 85 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers; or

(3) 3 years after the date of the enactment of this Act, if the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(C) that less than 100 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers.

(e) **INTERNET SERVICE PROVIDER DEFINED.**—In this section, the term “Internet service provider” means a “service provider” as defined in section 512(k)(1)(A) of title 17, United States Code, which has more than 50,000 subscribers.

REED AMENDMENT NO. 336

(Ordered to lie on the table.)

Mr. REED submitted an amendment intended to be proposed by him to the bill, S. 254, supra; as follows:

At the appropriate place, insert the following:

SEC. . . GUN DEALER RESPONSIBILITY.

(a) **DEFINITIONS.**—In this section:

(1) **DEALER.**—The term “dealer” has the meaning given such term in section 921(a)(11) of title 18, United States Code.

(2) **FIREARM.**—The term “firearm” has the meaning given such term in section 921(a)(3) of title 18, United States Code.

(3) **LAW ENFORCEMENT OFFICER.**—The term “law enforcement officer” means any officer, agent, or employee of the United States, or of a State or political subdivision thereof, who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law.

(b) **CAUSE OF ACTION; FEDERAL JURISDICTION.**—Any person suffering bodily injury as a result of the discharge of a firearm (or, in the case of a person who is incapacitated or deceased, any person entitled to bring an action on behalf of that person or the estate of that person) may bring an action in any United States district court against any dealer who transferred the firearm to any person in violation of chapter 44 of title 18, United States Code, for damages and such other relief as the court deems appropriate. In any action under this subsection, the court shall allow a prevailing plaintiff a reasonable attorney’s fee as part of the costs.

(c) **LIABILITY.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the defendant in an action brought under subsection (b) shall be held liable in tort, without regard to fault or proof of defect, for all direct and consequential damages that arise from bodily injury or death proximately resulting from the illegal sale of a firearm if it is established by a preponderance of the evidence that the defendant transferred the firearm to any person in violation of chapter 44 of title 18, United States Code.

(2) **DEFENSES.**—

(A) **INJURY WHILE COMMITTING A FELONY.**—There shall be no liability under paragraph (1) if it is established by a preponderance of the evidence that the plaintiff suffered the injury while committing a crime punishable by imprisonment for a term exceeding 1 year.

(B) **INJURY BY LAW ENFORCEMENT OFFICER.**—There shall be no liability under paragraph (1) if it is established by a preponderance of the evidence that the injury was suffered as a result of the discharge, by a law enforcement officer in the performance of official duties, of a firearm issued by the United States (or any department or agency thereof) or any State (or department, agency, or political subdivision thereof).

(e) **NO EFFECT ON OTHER CAUSES OF ACTION.**—This section may not be construed to limit the scope of any other cause of action available to a person injured as a result of the discharge of a firearm.

(f) **APPLICABILITY.**—This section applies to any—

(1) firearm transferred before, on, or after the date of enactment of this Act; and

(2) bodily injury or death occurring after such date of enactment.

NOXIOUS WEED COORDINATION
AND PLANT PROTECTION ACT

AKAKA AMENDMENT NO. 337

(Ordered referred to the Committee on Agriculture, Nutrition, and Forestry.)

Mr. AKAKA submitted an amendment intended to be proposed by him to the bill (S. 910) to streamline, modernize, and enhance the authority of the Secretary of Agriculture relating to plant protection and quarantine, and for other purposes; as follows:

On page 55, between lines 17 and 18, insert the following:

SEC. 405. FEDERAL AGENCY ACTION AFFECTING INVASIVE SPECIES.

(a) **IN GENERAL.**—Each Federal agency, an action of which may affect the status of invasive species, shall, to the maximum extent practicable—

(1) identify the action;

(2) use relevant programs and authorities to—

(A) prevent the introduction of invasive species;

(B) detect, respond rapidly to, and control populations of invasive species in a cost-effective and environmentally sound manner;

(C) monitor invasive species populations accurately and reliably;

(D) provide for restoration of native species and habitat conditions of ecosystems that have been invaded;

(E) conduct research on invasive species;

(F) develop technologies to prevent introduction and provide for environmentally sound control of invasive species; and

(G) promote public education on invasive species; and

(3) not authorize, fund, or carry out an action that the agency determines is likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless, under guidelines prescribed by the agency, the agency has determined and made public the determination that—

(A) the benefits of the action clearly outweigh the potential harm caused by the invasive species; and

(B) all feasible and prudent measures to minimize the risk of harm shall be taken in conjunction with the action.

(b) **DUTIES.**—Each Federal agency shall pursue the duties under this section—

(1) in consultation with the Invasive Species Council established under section 402;

(2) in accordance with the National Invasive Species Action Plan established under section 404;

(3) in cooperation with stakeholders, as appropriate; and

(4) with the approval of the Department of State, in cases in which the Federal agency is working with international organizations or foreign nations.

**VIOLENT AND REPEAT JUVENILE
OFFENDER ACCOUNTABILITY
AND REHABILITATION ACT OF
1999**BIDEN (AND OTHERS) AMENDMENT
NO. 338

(Ordered to lie on the table.)

Mr. BIDEN (for himself, Mr. SCHUMER, Mr. KOHL, and Mrs. BOXER) submitted an amendment intended to be proposed by them to the bill, S. 254, supra; as follows: