STABENOW) was added as a cosponsor of S. 1021, a bill to amend the Richard B. Russell National School Lunch Act to improve the summer food service program for children.

S. 1022

At the request of Mr. KOHL, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1022, a bill to amend the Richard B. Russell National School Lunch Act to improve the child and adult care food program.

S. 1129

At the request of Mrs. FEINSTEIN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1129, a bill to provide for the protection of unaccompanied alien children , and for other purposes.

S. 1131

At the request of Mr. SPECTER, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1131, a bill to increase, effective December 1, 2003, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

S. 1200

At the request of Ms. CANTWELL, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1200, a bill to provide lasting protection for inventoried roadless areas within the National Forest System.

S. 1284

At the request of Mrs. CLINTON, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 1284, a bill to provide for the establishment of the Kosovar-American Enterprise Fund to promote small business and micro-credit lending and housing construction and reconstruction for Kosova.

S. CON. RES. 25

At the request of Mr. VOINOVICH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S . Con. Res. 25, a concurrent resolution recognizing and honoring America's Jewish community on the occasion of its 350th anniversary, supporting the designation of an ''American Jewish History Month'', and for other purposes.

S. RES. 151

At the request of Mr. WYDEN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 151, a resolution eliminating secret Senate holds.

S. RES. 153

At the request of Mrs. MURRAY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 153, a resolution expressing the sense of the Senate that changes to athletics policies issued under title IX of the Education Amendments of 1972 would contradict the spirit of athletic equality and the intent to prohibit sex discrimination in education programs or activities receiving Federal financial assistance.

S. RES. 164

At the request of Mr. ENSIGN, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. Res. 164, a resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

S. RES. 169

At the request of Mrs. CLINTON, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of S. Res. 169, a resolution expressing the sense of the Senate that the United States Postal Service should issue a postage stamp commemorating Anne Frank.

S. RES. 170

At the request of Mr. DODD, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Indiana (Mr. LUGAR), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. Res. 170, a resolution designating the years 2004 and 2005 as ''Years of Foreign Language Study''.

AMENDMENT NO. 930

At the request of Mrs. HUTCHISON, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. BOND) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of amendment No. 930 intended to be proposed to S. 1, a bill to amend title XVIII of the Social Security Act to make improvements in the medicare program, to provide prescription drug coverage under the medicare program, and for other purposes.

AMENDMENT NO. 932

At the request of Mr. ENZI, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Georgia (Mr . CHAMBLISS), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Oregon (Mr. SMITH) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of amendment No. 932 proposed to S. 1, a bill to amend title XVIII of the Social Security Act to make improvements in the medicare program, to provide prescription drug coverage under the medicare program, and for other purposes.

AMENDMENT NO. 932

At the request of Mr. MILLER, his name was added as a cosponsor of amendment No. 932 proposed to S. 1, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM of Florida:

S. 1289. A bill to name the Department of Veterans Affairs Medical Center in Minneapolis, Minnesota, after Paul Wellstone; to the Committee on Veterans' Affairs.

Mr. GRAHAM. Mr. President, I rise today to give due recognition to a colleague whose tragic passing is still fresh in our thoughts. Senator Paul Wellstone served 12 honorable years in the Senate for the State of Minnesota before suddenly perishing with his dear wife, Sheila, their daughter, Marcia, three of his staffers, and two pilots in a plane crash last October.

The bill I am proposing today seeks to rename the Department of Veterans Affairs Medical Center in Minneapolis, MN, after Paul Wellstone. His distinguished record of service for veterans clearly demands such distinction. Indeed last October, just weeks before the crash that took his life, Senator Wellstone proclaimed on the Senate floor, ''It has been a labor of love for me working with veterans.''

Paul Wellstone served our Nation's veterans with passion and commitment as a distinguished member of the Senate Committee on Veterans' Affairs. His legacy includes the many veterans today whose lives have been turned around due to his unyielding service on their behalf, such as veterans who are or have been homeless; veterans who are now receiving treatment for their service-related disabilities from exposure to radiation from atomic and nuclear weapons testing; and veterans who suffer from symptoms associated with Persian Gulf War Syndrome.

Year after year, Senator Wellstone rose in this very chamber to try to increase the VA health care budget. In 2000, the Senator was part of an effort to secure the largest one year increase ever for veterans' health care benefits. In 2001, Paul Wellstone successfully pushed through an amendment to the Budget Resolution that provided $17 billion over 10 years to boost health care funding for veterans. And just last June, Senator Wellstone fought to include $417 million for veterans' health care in the Supplemental Appropriations Bill for FY 2002.

In recognition of his tireless advocacy, he was awarded a number of distinctions by various veterans' service organizations, including: the 1995 Legislator of the Year Award from the Vietnam Veterans of America; the 1995 Patriot Award from the Paralyzed Veterans of America; the Congressional Leadership Award from the Forgotten 216th; the 1997 Distinguished Citizen Award from the Minnesota Veterans of Foreign Wars; the 2002 Distinguished Science Award from the Disabled American Veterans; the 2002 Legislative Leadership Award from the National Coalition for Homeless Veterans; and the Vanguard Award for Legislative Achievement by the Non-Commissioned Officers Association.

George Washington once remarked, ''The willingness with which our young people are likely to serve in any war,

no matter how justified, shall be directly proportional to how they perceive the veterans of earlier wars were treated and appreciated by their nation.'' Senator Wellstone knew this all too well and worked to make the Department of Veterans Affairs a more responsive organization.

The Minneapolis VA Medical Center was a source of great pride for Paul. He once described the facility as having become ''the pride and joy of the U.S. Department of Veterans Affairs, and more important, of veterans throughout the region.'' The naming of the Paul Wellstone Department of Veterans Affairs Medical Center will forever honor his commitment to our veterans by distinguishing the very institution that carries on his ''labor of love.'' Mr. President, this is only a small mark of the appreciation that we all owe to an individual who served veterans with such compassion and conviction.

Finally, I thank Frederick ''Rock'' Rochelle—a past President of the St. Paul Chapter of the Vietnam Veterans of America—for working with me on this legislation to honor the memory of Paul Wellstone. I have compiled a list of statements made by friends and colleagues in remembrance of Senator Wellstone.

I ask unanimous consent that the text of the bill and the above mentioned list of statements be printed in the RECORD.

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

FRIENDS AND COLLEAGUES REMEMBER SENATOR PAUL WELLSTONE

''As a member of the Senate Veterans Affairs Committee, Senator Wellstone was a tireless crusader for America's veterans, an issue of paramount importance to him. I greatly respected and admired him for his passion, his character and his commitment for the causes in which he believed.''—Secretary of Veterans Affairs Anthony Principi

''His unwavering support year after year of adequate funding for veterans health care, in particular, was something we could always count on. Similarly, he championed the cause of homeless veterans to ensure that they were not forgotten and that their needs were addressed by the nation they served. Though not a veteran himself, he brought energy and commitment to issues important to veterans and their families. He was a fighter and leading voice and, if ever there was a true friend of America's veterans, Senator Wellstone was it.''—W.G. ''Bill'' Kilgore, national commander of AMVETS

''Senator Wellstone has been a strong and vocal supporter of veterans' issues. His leadership will be missed, and all veterans are grateful for his passionate support over the years.''—Thomas H. Corey, national president of Vietnam Veterans of America

''The Veterans of Foreign Wars of the United States are stunned and saddened by the untimely death of Senator Paul Wellstone and his family. When it came to advocacy on behalf of America's veterans, he was second to none. He constantly and consistently crusaded and championed for the many issues that were of vital interest to our veteran population. He was tenacious in his efforts to assure passage of legislation that would provide for those veterans suffering from radiation exposure, Gulf War illness and those in need of VA health care. He will be sorely missed. Our veterans have lost a true hero. Our hearts and prayers are with the Wellstone family.''—Ray Sisk, Commander-in-Chief, Veterans of Foreign Wars

''I always knew on Veterans Day that I would see the senator on that day. We would always go out to the veterans hospital. I would be there, and I never had any doubt that when I got there Senator Wellstone would be there. He was a great advocate for veterans and veteran causes and veterans benefits.''—Former Minneosta Governor Jesse Ventura

''The last speech he gave on the Senate floor, I was there. He said, 'You can call me soft if you want, but I care about veterans in this country.' That was Paul Wellstone. He is someone that looked out for those who didn't have someone representing them and he wasn't afraid. He traveled a road that was less traveled, but he traveled that road with his shoulders back.''—Sen. Harry Reid

''Paul Wellstone was one of the most courageous men I have ever known. He was a distinguished member of the Senate Veterans Affairs Committee, and he fought hard for those who fought for our country.''—Former Sen. Max Cleland

''Paul and I shared many of the same passions in the Senate. We fought together side by side in the fight to save our steel industry and together we were committed to providing our nation's veterans with the benefits they deserve. That was his style. He took on the toughest battles, the ones that required years of effort and diligence, and he always made a difference.''—Sen. Jay Rockefeller

''Paul was a caring, persistent and passionate advocate for veterans, children, the mentally ill, working families, and all those who too often feel that no one in Washington hears their voice. Paul Wellstone was their voice; he was their champion.''—Sen. Daniel Akaka

''Senator Wellstone believed deeply in causes that transcended political lines, partisanship and ideology. I had the privilege of working with him on legislation to end homelessness among our nation's veterans. In our battle to see this legislation enacted, time and time again we were called up on to confront our own parties and colleagues. Each and every time Paul Wellstone proved that his first concern was to help those less fortunate than himself, even if it put his political career at risk.''—Rep. Christopher Smith

''Paul Wellstone was my closest friend in the Senate. He was the most principled public servant I've ever known. Paul truly had the courage of his convictions and his convictions were based on the principles of hope, compassion, the Good Samaritan, helping those left on the roadside of life. His courage is an example for all.''—Sen. Tom Harkin

''Paul Wellstone was the soul of the Senate. He was one of the most noble and courageous men I have ever known. He was a gallant and passionate fighter, especially for the less fortunate. I am grateful to have known Paul and Sheila as dear and close friends.''—Sen. Tom Daschle

''He didn't look ahead to the next election; he looked ahead to the next generation. The women of the Senate called him our Galahad. He supported us and fought with us for child care, access to health care, and better schools.''—Sen. Barbara Mikulski

''In his public service and private friendship, Paul Wellstone embodied the Hebrew ideal of 'tikkun olam,' which means 'to repair the world.' He was one of the most passionate and principled people I've ever known. I feel privileged to have worked with him.''—Sen. Joe Lieberman

''Paul Wellstone had a passion for justice that was evident to all of his colleagues. Throughout his life, Paul was a fighter for the good cause. His passion for justice was only matched by his charm, wit and kindness to his political friends and foes alike.''—Sen. John McCain

''He was a man of enormous ability but most of all, he was a caring person. He was really a special person, a very unique man.''—Sen. Ted Kennedy

''He was a model and an inspiration to all of us who followed in his footsteps. He was my close personal friend and political ally for over 20 years. I will miss him terribly.''—Sen. Mark Dayton

''As fellow members of the Senate health and education committee, I saw firsthand how passionate Paul could be on the issues that were important to him. Paul had a remarkable ability to maintain good relations with colleagues with whom he disagreed.''—Sen. Jeff Sessions

''Paul Wellstone was a passionate public servant who was committed to helping average Americans. His enormous energy, determination and passion made him one of our most respected senators. America will miss a great senator, and I will miss a good friend.''Sen. Bill Nelson.

''He unfailingly represented his views eloquently and emphatically. Paul Wellstone was a courageous defender of his beliefs.''—Former Sen. Jesse Helms

''He was the pied piper of modern politics—so many people heard him and wanted to follow him in his fight. His loss is monumental. I loved his passion, his spirit, and his zest for making peoples' lives better. This is sad beyond any words.''—Sen. John Kerry

''His only interest in power was to help the powerless. He was a happy warrior in the tradition of another great Minnesota senator, Hubert Humphrey. He loved people and he loved campaigning.''—Sen. Patrick Leahy

''Paul Wellstone loved politics and never shied away from a fight for what he believed. I admired that quality greatly. We didn't always agree on issues, but we always walked away from the debate as friends. We enjoyed and respected each other. I'll miss him. This is a great loss.''—Sen. Chuck Grassley

''Nothing was trivial to Paul and no person was unimportant. He was a thoughtful, sensitive, and caring with people as he was astute and serious about ideas.''—Sen. Herb Kohl

''The people of Minnesota, America and the world have lost a friend and a champion of working families, the poor, the disenfranchised and the disabled. Paul's public life was a profile in courage. He spoke, stood and voted on his principles, even at the risk of his political career.''—Former President Bill Clinton

''He was a profoundly decent man, a man of principle, a man of conscience. His passing is a loss not only for his family, friends and constituents, but also for friends of the United Nations.''—UN Secretary General Kofi Annan

''Paul Wellstone was a stand-up guy. He used the power of his office for good. His memory will forever be a blessing to all of us who knew him. And his work will continue to be a blessing to countless thousands of people across the globe who never met him, but whose lives will be forever bettered by his work.''—Secretary of State Colin Powell

''He loved his job because it was the best way he could serve the people of his state and his country. To cite one example among many, Paul was by far the biggest and most energetic champion of quality mental health coverage for all Americans who need it. We worked with him closely on this issue and on behalf of the mental health community has passing leaves us with an irreplaceable loss.''—Former Vice President Al Gore

''Paul Wellstone was one of the most valiant public servants I have ever known. He had a very good mind, but he also had an honest mind. And he served what be believed in, no matter what the challenge.''—Former President Walter Mondale

''Many noted changes in his manner and method after years in Washington, but not much changed at the core of the man. He remained an idealist and an optimist. He laughed easily, often at himself and his 5-foot-5 stature. He always remembered to thank the cooks and servers at a banquet, and to greet the guards at office doors. He remembered names with a facility that reminded old-timers of Hubert Humphrey. Indeed, Wellstone had Humphrey's zeal for politics, policy and—most of all—people.''—Minneapolis Star Tribune.

S. 1289

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

SECTION 1. DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, MINNEAPOLIS, MINNESOTA, AS PAUL WELLSTONE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.

The Department of Veterans Affairs Medical Center located in Minneapolis, Minnesota, shall after the date of the enactment of this Act be known and designated as the ''Paul Wellstone Department of Veterans Affairs Medical Center''. Any reference to such medical center in any law, regulation, map, document, or other paper of the United States shall be considered to be a reference to the Paul Wellstone Department of Veterans Affairs Medical Center.

By Mr. HOLLINGS:

S. 1290. A bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of tax-exempt bonds issued for the purchase or maintenance of electric generation, transmission, or distribution assets; to the Committee on Finance.

Mr. HOLLINGS. Mr. President, I am introducing legislation today that would improve the Internal Revenue Code of 1986 by allowing an additional advanced refunding of tax exempt bonds issued for the purchase or maintenance of electric generation, transmission, or distribution assets. This bill will give municipal utilities additional flexibility in refinancing their debts, so they can respond to favorable market conditions. I ask that the text of this bill be printed in the RECORD.

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

S. 1290

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

SECTION 1. ADDITIONAL ADVANCE REFUNDING OF ELECTRICITY BONDS.

(a) IN GENERAL.—Subsection (d) of section 149 of the Internal Revenue Code of 1986 (relating to advance refunding) is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (7) the following new paragraph:

''(7) SPECIAL RULE FOR CERTAIN ELECTRICITY BONDS.—

''(A) GENERAL RULE.—In the case of a bond described in subparagraph (B), one additional advance refunding after the date of the enactment of this paragraph shall be allowed under paragraph (3)(A)(i) if the requirements of subparagraph (C) are met.

''(B) BOND DESCRIBED.—A bond is described in this subparagraph if such bond is issued as part of an issue the net proceeds of which are used to finance the costs of electric generation, transmission, or distribution assets owned by the issuer or by a consortium of State or local governments which includes the issuer and which jointly own such assets.

''(C) REQUIREMENTS.—The requirements of this subparagraph are met with respect to any advance refunding of a bond described in subparagraph (B) if—

''(i) no advance refundings of such bond would be allowed under any provision of law after the date of the enactment of this paragraph,

''(ii) the advance refunding bond is the only other outstanding bond with respect to the refunded bond, and

''(iii) the requirements of section 148 are met with respect to all bonds issued under this subsection.

''(D) INAPPLICABILITY TO CERTAIN BONDS.—Subparagraph (A) shall not apply with respect to a bond described in section 1400L(e).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to advance refunding bonds issued after the date of the enactment of this Act.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 1291. A bill to authorize the President to impose emergency import restrictions on archaeological or ethnological materials of Iraq until normalization of relations between the United States and the Government of Iraq has been established; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, today I rise to introduce the Emergency Protection for Iraqi Cultural Antiquities Act of 2003, the EPIC Antiquities Act of 2003. I am pleased that Senator BAUCUS joins me as an original cosponsor of this important legislation. The EPIC Antiquities Act of 2003 authorizes the President to impose immediate emergency import restrictions on the archaeological and ethnological materials of Iraq. The purpose of this bill is simple—to close a legal loophole which could allow looted Iraqi antiquities to be brought into the United States. Allow me to explain how this might happen.

When Iraq invaded Kuwait in August of 1990, former President Bush issued Executive Orders 12722 and 12744, which declared a national emergency with respect to Iraq. Those orders imposed economic sanctions against Iraq, including a complete trade embargo which automatically prohibited trade in Iraqi antiquities as of that time. The United Nations Security Council adopted Resolution 661 on August 6, 1990, which also imposed economic sanctions on Iraq. The sanctions imposed under the Executive Orders are spelled out in the Iraqi Sanctions Regulations. These regulations are administered by the Treasury Department's Office of Foreign Assets Control, OFAC.

Now until recently, the Iraqi Sanctions Regulations continued to restrict trade with Iraq, including trade in Iraqi antiquities. However, on May 22, 2003, the UN Security Council adopted Resolution 1483, which lifted most sanctions on Iraq. Resolution 1483 also provided that Member States should establish a prohibition on trade in archaeological, cultural, historical, religious, and rare scientific items of Iraq, that may have been illegally removed from the country since the adoption of Resolution 661 back in 1990. On May 23, 2003, OFAC implemented UN Resolution 1483 and issued a General License which lifted most of our trade sanctions with respect to Iraq. Importantly, OFAC's general license continues to ban trade in looted Iraqi antiquities. However, this legal structure that is currently in place is vulnerable to a potential loophole.

It is important to recognize that the legal authority for OFAC's continuing restrictions on trade in Iraqi antiquities derives from the Executive Orders issued in 1990, which are themselves premised upon the existence of emergency conditions with respect to Iraq. It is possible that once an interim government is in place, the President may determine that emergency conditions no longer exist with respect to Iraq and relations between the United States and Iraq will be normalized. At that point, the legal authority for the OFAC restrictions will be terminated. This bill is designed to bridge a potential gap in the protections afforded Iraqi antiquities by allowing the President to impose emergency import restrictions without delay. These emergency restrictions would be authorized for an interim period to extend beyond any termination of the OFAC restrictions, and would remain in place until such time as other, more lengthy, legal mechanisms for the protection of cultural antiquities can be completed. I will elaborate on these other legal mechanisms in a moment.

If Congress does not act to provide the means for establishing the interim ban on trade contained in this bill, the door may be opened to imports of looted Iraqi antiquities into the United States. Already the press has reported allegations that European auction houses have traded in looted Iraqi antiquities. The last thing that we in Congress want to do is to fail to act to prevent trade in looted Iraqi artifacts here in the United States.

The stopgap authority in this bill derives from legislation implementing the U.N. Convention on the protection of cultural property. This bill amends the Convention on Cultural Property Implementation Act, Implementation Act, to allow the President to impose immediate emergency import restrictions with respect to Iraqi antiquities. The Implementation Act already authorizes the President to restrict imports of cultural antiquities, but there is a somewhat lengthy process called for under the Implementation Act before the President may impose such restrictions. Since we passed the Implementation Act in 1983, we have imposed import restrictions on archaeological

or ethnological materials from ten countries to assist in the protection of their cultural property.

Unfortunately, the Implementation Act does not address the unique conditions that prevail in Iraq today. Normally, under the Implementation Act a country formally requests that the United States prohibit stolen or illegally exported cultural antiquities from entering into the United States. The State Department will then publish a Federal Register notice announcing the request. Following publication, a Cultural Property Advisory Committee will investigate and review the request and report its recommendation to the President. With the benefit of the Committee's report, the President can then proceed to negotiate a bilateral agreement with the foreign country. In the past, this entire process has taken at least a year before import restrictions are put in place.

There are two major deficiencies with the current process which necessitate the bill we are introducing today. First, the Implementation Act requires a foreign government to make a formal request to the United States. Right now, there is no Government of Iraq to request such a bilateral agreement with the United States. The second problem is that, even if there were an Iraqi Government in place to make such a request, the administrative process called for under the Implementation Act just takes too long given the present circumstances—although the extent of looting of museums, libraries, and archaeological sites in Iraq may not be as great as was first feared, the fact remains that such looting has occurred and that illicit trade in such antiquities could spread if there is even a temporary lifting of import restrictions.

Now granted, the Implementation Act does authorize the President to impose emergency import restrictions even before a bilateral agreement is finalized. However, before the President can do so, all of the other administrative processes under the Implementation Act must be completed; this includes a three month period for the preparation of a report to the President by the Cultural Property Advisory Committee. Again, the problem here is that the normal process for imposing even emergency import restrictions could take too long.

If the Administration were to normalize relations between the United States and the next Government of Iraq, thereby terminating the OFAC import restrictions, it is possible that looted Iraqi antiquities could begin entering the United States while we sit and wait for a possible bilateral agreement to be finalized. The EPIC Antiquities Act of 2003 solves this problem. This legislation provides a uniquely and narrowly tailored amendment to the Implementation Act which closes the potential legal loophole between the time when relations are normalized and the time when we can undertake and complete the normal processes for the protection of cultural antiquities contained in the Implementation Act.

By extending the President's authority under the Implementation Act for an interim period, this bill is narrowly designed to meet the unique circumstances in Iraq today. The EPIC Antiquities Act of 2003 provides that this extension of the President's authority will terminate one year after relations are normalized, or by September 30, 2004, so that the next Iraqi Government can determine for itself whether to seek a bilateral agreement with the United States, and if so, the President can negotiate such an agreement with the benefit of input from the Cultural Property Advisory Committee—as envisioned by the Implementation Act. In short, our bill does not seek to supplant the established process for protecting cultural antiquities under the Implementation Act; instead, it permits an extra guarantee of protection for Iraq's cultural antiquities in the short term while Iraq completes its transition back into the community of nations.

I thank Senator BAUCUS for his support, and I hope our colleagues can also support this important and timely bill. I hope we are able to move this legislation quickly, perhaps as part of the Miscellaneous Trade and Technical Corrections Act of 2003, which is waiting for full Senate approval.

As we work to reestablish the free flow of trade with a liberated Iraq, I believe it is very important that we in Congress remain mindful of the need to take steps to protect Iraq's cultural heritage. Our bill will ensure that going forward we continue to adhere to the full spirit of Resolution 1483 and avoid any break in the protections afforded to Iraqi antiquities. Our bill also provides an important signal of our commitment to preserving Iraq's resources for the benefit of the Iraqi people. It is time to close the potential gap in protections, and pass the EPIC Antiquities Act of 2003.

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. 1291

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 ''Emergency Protection for Iraqi Cultural Antiquities Act of 2003''.

SEC. 2. EMERGENCY IMPLEMENTATION OF IMPORT RESTRICTIONS.

(a) AUTHORITY.—The President may exercise the authority of the President under section 304 of the Convention on Cultural Property Implementation Act (19 U.S.C. 2603) with respect to any archaeological or ethnological material of Iraq as if Iraq were a State Party under that Act, except that, in exercising such authority, subsection (c) of such section shall not apply.

(b) DEFINITION.—In this section, the term ''archaeological or ethnological material of Iraq'' means cultural property of Iraq and other items of archaeological, historical, cultural, rare scientific, or religious importance illegally removed from the Iraq National Museum, the National Library of Iraq, and other locations in Iraq, since the adoption of United Nations Security Council Resolution 661 of 1990.

SEC. 3. TERMINATION OF AUTHORITY.

The authority of the President under section 2 shall terminate upon the earlier of—

(1) the date that is 12 months after the date on which the President certifies to Congress that normalization of relations between the United States and the Government of Iraq has been established; or

(2) September 30, 2004.

By Ms. LANDRIEU:

S. 1292. A bill to establish a servitude and emancipation archival research clearinghouse in the National Archives; to the Committee on Governmental Affairs.

Ms. LANDRIEU. Mr. President, I rise today on the 138th anniversary of the day that Major General Gordon Granger and his Union soldiers arrived in Galveston, TX. They brought the news that the war had ended and that the enslaved were now free. Since its origin in 1865, the observance of June 19th as African American Emancipation Day, or Juneteenth, is the oldest known celebration of the ending of slavery.

It took two and a half years after the effective date of the Emancipation Proclamation set forth by President Lincoln for the news of freedom to arrive in Texas. Of course, this kind of delay in finding out about new national policy, especially a bold new initiative set forth by Executive Order, would be absurd in our present society. We are now part of the information age and access to the most up-to-date news is commonplace. Unfortunately, African Americans who attempt to trace their genealogy face undue delay in obtaining the necessary documents to try and piece together their unique heritage. For this reason, I am proposing the Servitude and Emancipation Archival Research Clearinghouse, SEARCH, Act of 2003. This bill establishes a national database within the National Archives and Records Administration, NARA, housing various documents that would assist those in search of a history that because of slavery, can not easily be found in the most commonly searched registered and census records.

Traditionally, someone researching their genealogy would try looking up wills and land deeds; however, enslaved African Americans were prohibited from owning property. In fact, African Americans were considered property, so the name of former slave owners would have to be identified with the hopes that the owner kept record of pertinent information, such as births and deaths. In most cases, If records exist, many African Americans were not associated with last names, thus making them more difficult to trace. With slaves not being listed by name, this also precludes the use of the most popular and major source of genealogical research, the United States

Census. Even the use of letters, diaries, and other first-person recordings of slave simply do not exist because slaves could not legally learn to read or write.

We may think after 1865, African Americans could then begin to use traditional genealogical records like voter registrations and school records. However, African Americans did not immediately begin to participate in may of the privileges of citizenship, including voting and attending school. Discrimination meant the prevention of African American siting on juries or owning businesses. Segregation meant segregated neighborhoods, schools, churches, clubs, and fraternal organizations. Therefore, many of the records were also segregated. For example, some telephone directories in South Carolina did not include African Americans in the regular alphabetical listing, but at the end of the book. An African American must maneuver these distinctive nuances in order to conduct proper genealogical research. In my own State of Louisiana, descendants of the 9th Calvary Regiment and the 25th Infantry Regiment, known as the Buffalo Soldiers, would have to know to look in the index of the United States Colored Troops and not the index of the State Military Regiments.

Abraham Lincoln said, ''a man who cares nothing about his past can care little about his future.'' In 1965, Alex Haley stumbled upon the names of his maternal great-grandparents while going through post-Civil War records at the National Archives here in Washington, D.C. This discovery led to an 11-year journey that resulted in the milestone of literary history, Roots. By providing $5 million for the National Historical Publications and Records Commission to establish and maintain a national database, the SEARCH Act proposes to significantly reduce the time and painstaking efforts of those African Americans who truly care about their American past, and care enough to contribute to the American future. This bill also seeks to authorize $5 million for States, colleges, and universities to preserve, catalogue, and index records locally.

In a democracy, records matter. The mission of NARA is to ensure that anyone can have access to the records that matter to them. The SEARCH Act of 2003 helps to fulfill that mission by helping African Americans to navigate the genealogical process, given the circumstances unique to the African American experience. No longer should any American have to wait to find out about information leading to freedom.

I hope my colleagues will join me in celebrating Juneteenth this year by passing this measure, and 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. 1292

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 ''Servitude and Emancipation Archival Research ClearingHouse Act of 2003'' or the ''SEARCH Act of 2003''.

SEC. 2. ESTABLISHMENT OF DATABASE.

(a) IN GENERAL.—The Archivist of the United States shall establish, as a part of the National Archives, a national database consisting of historic records of servitude and emancipation in the United States to assist African Americans in researching their genealogy.

(b) MAINTENANCE.—The database established by this Act shall be maintained by the National Historical Publications and Records Commission.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) $5,000,000 to establish the national database authorized by this Act; and

(2) $5,000,000 to provide grants to States and colleges and universities to preserve local records of servitude and emancipation.

By Mr. HATCH (for himself, Mr. LEAHY, Mr. SCHUMER, Mr. GRASSLEY, Mrs. FEINSTEIN, Mr. DEWINE, and Mr. EDWARDS):

S. 1293. A bill to criminalize the sending of predatory and abusive e-mail; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise to introduce, with Senators LEAHY, SCHUMER, GRASSLEY, FEINSTEIN, DEWINE, and EDWARDS, the Criminal Spam Act of 2003. This legislation, which enjoys bipartisan support, targets the most egregious types of spammers—those who hijack computer systems and those who use other fraudulent means to send unsolicited commercial electronic mail.

Over the course of the past several years, the amount of unsolicited commercial email, or spam, has grown at an exponential rate. During a recent Senate hearing before the Committee on Commerce, Science and Transportation, Brightmail Inc., a provider of spam filtering software that serves six of the ten largest U.S. Internet service providers, estimated that in April 2003, 46 percent of all email traffic was spam. This figure represented a nearly five fold increase in spam in merely 18 months. At the same hearing, America Online testified that on any given day, it blocks approximately 2.3 billion spam messages.

This tremendous growth rate is due in large part to sophisticated spammers who use abusive tactics to send millions of email messages quickly, at an extremely low cost. By using deceptive methods, these spammers conceal their identities, evade Internet service provider filters, and exploit the Internet by advertising and promoting pornographic web sites, illegally pirated software, questionable health products, pyramid schemes and other ''get rich quick'' or ''make money fast'' scams. The extraordinary volume of spam generated by their schemes imposes significant costs on Internet users, threatens to disrupt Internet services, and undermines the public's confidence in online commerce.

A recent study conducted by the Federal Trade Commission demonstrates the alarming frequency with which spammers are using the Internet to conceal their true identities and the electronic paths of their messages. This study found that 40 percent of email messages contain indicia of falsity in the body of the message; approximately 33 percent contain indicia of falsity in the ''from'' lines of the spam; 22 percent contain indicia of falsity in the ''subject'' line; and some 66 percent contain at least one form of deception.

The Criminal Spam Act of 2003 targets fraudulent and deceptive spam by enhancing the ability of federal law enforcement authorities to prosecute and punish the most egregious wrongdoers. Specifically, the Act makes it a crime to hack into a computer, or to use a computer system that the owner has made available for other purposes, as a conduit for bulk commercial email. The Act also prohibits sending bulk commercial email that conceals the true source, destination, routing or authentication information of the email, or is generated from multiple email accounts or domain names that falsify the identity of the actual registrant.

The Act subjects violators to stiff criminal penalties of up to 5 years' imprisonment where the offense is committed in furtherance of any felony, or where the defendant has previously been convicted of a similar Federal or state offense, and up to 3 years' imprisonment where other aggravating factors exist. It also contains criminal forfeiture provisions and directs the Sentencing Commission to consider enhancements for offenders who obtain email addresses through illegal means, such as harvesting.

The strong deterrent effect of the legislation is further enhanced by civil enforcement provisions that authorize the Department of Justice and aggrieved Internet service providers to bring suit for violations of the Act. In appropriate cases, courts may grant injunctive relief, impose civil fines, and award damages of up to $25,000 per day of violation, or between $2 and $8 per email initiated in violation of the Act.

Recognizing that spammers can send their fraudulent and deceptive messages from any location in the world, the Act directs the Department of Justice and the Department of State to work through international fora to gain the cooperation of other countries in investigating and prosecuting spammers worldwide and to report to Congress about their efforts and any recommendations for addressing international predatory spam.

The Criminal Spam Act represents an important legislative step toward curbing predatory and abusive commercial email. However, broader legislative measures, coupled with technological

solutions, are also needed. Any effective solution to the spam problem requires cooperative efforts between the government and the private sector, as well as the assistance of our international partners.

Recent years have witnessed extraordinary technological advances. These innovations, and electronic communications in particular, have significantly increased the efficiencies, productivity and conveniences of our modern world. The abusive practices of fraudulent spammers threaten to choke the lifeblood of the electronic age. This is a problem that warrants swift but deliberative legislative action. I am committed to working with my colleagues in both Houses to address the spam problem on all fronts.

I ask unanimous consent that a section-by-section analysis be printed in the RECORD.

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

SECTION-BY-SECTION ANALYSIS

SEC. 1. SHORT TITLE

This bill may be cited as the ''Criminal Spam Act of 2003''.

SEC. 2. PROHIBITION AGAINST PREDATORY AND ABUSIVE COMMERCIAL EMAIL

This section targets the four principal techniques that spammers use to evade filtering software and hide their trails. It creates a new federal crime that prohibits hacking into a computer, or using a computer system that the owner has made available for other purposes, to send bulk commercial email. It also prohibits sending bulk commercial email that either conceals the true source, destination, routing and authentication information of the email, or is generated from multiple email accounts or domain names that falsify the identity of the actual registrant. Penalties range from up to 5 years' imprisonment where the offense was committed in furtherance of any felony, or where the defendant was previously convicted of a similar federal or state offense, and up to 3 years' imprisonment where other aggravating factors exist. The U.S. Sentencing Commission is directed to consider sentencing enhancements for offenders who obtained email addresses through improper means, such as harvesting.

In addition, this section provides for civil enforcement by the Department of Justice and aggrieved Internet service providers against spammers who engage in the conduct described above. In appropriate cases, courts may grant injunctive relief, impose civil penalties, and award damages.

SEC. 3. REPORT AND SENSE OF CONGRESS REGARDING INTERNATIONAL SPAM.

Recognizing that an effective solution to the spam problem requires the cooperation and assistance of our international partners, this section asks the Administration to work through international fora to gain the cooperation of other countries in investigating and prosecuting spammers worldwide, and to report to Congress about its efforts.

Mr. LEAHY. Mr. President, I am pleased to be introducing, with Senators HATCH, SCHUMER, GRASSLEY, FEINSTEIN, DEWINE, and EDWARDS, the Criminal Spam Act of 2003. This bill is designed to counter the most objectionable forms of email marketing. In an effort to clear electronic channels for legitimate communications, the bill targets those spammers who deceive Internet Service Providers, ''ISPs'', and email recipients into thinking that messages come from someone other than a spammer—a ploy many spammers use to increase the likelihood that their unwanted ads will evade filtering software and be opened.

Without a doubt, spam is a serious problem today, one that is threatening to undermine the vast potential of the Internet to foster the free exchange of information and commerce. Businesses and individuals currently wade through tremendous amounts of spam in order to access email that is of relevance to them—and this is after ISPs, businesses, and individuals have spent time and money blocking a large percentage of spam from reaching its intended recipients.

Email users are having the online equivalent of the experience of the woman in the Monty Python skit, who seeks to order a spam-free breakfast at a restaurant. Try as she might, she cannot get the waitress to bring her the meal she desires. Every dish in the restaurant comes with Spam; it's just a matter of how much. There's ''egg, bacon and Spam''; ''egg, bacon, sausage and Spam''; ''Spam, bacon, sausage and Spam''; ''Spam, egg, Spam, Spam, bacon and Spam''; ''Spam, sausage, Spam, Spam, Spam, bacon, Spam, tomato and Spam''; and so on. Exasperated, the woman finally cries out: ''I don't like Spam! . . . I don't want ANY Spam!''

Individuals and businesses are reacting similarly to electronic spam. A Harris poll taken late last year found that 80 percent of respondents view spam as ''very annoying,'' and fully 74 percent of respondents favor making mass spamming illegal. They are fed up.

ISPs are doing their best to shield customers from spam, blocking billions of spam each day, but the spammers are winning the battle. Millions of unwanted, unsolicited commercial emails are received by American businesses and individuals each day, despite their own, additional filtering efforts. A recent study by Ferris Research estimates that spam costs U.S. businesses $8.9 billion annually as a result of lost productivity and the need to purchase more powerful servers and additional bandwidth; to configure and run spam filters; and to provide help-desk support for spam recipients. The costs of spam are significant to individuals as well, including time spent identifying and deleting spam, inadvertently opening spam, installing and maintaining anti-spam filters, tracking down legitimate messages mistakenly deleted by spam filters, and paying for the ISPs' blocking efforts.

And there are other less prominent but equally important costs of spam. It may introduce viruses, worms, and Trojan Horses into personal and business computer systems, including those that support our national infrastructure. It is also fertile ground for deceptive trade practices. The FTC recently estimated that 96 percent of the spam involving investment and business opportunities, and nearly half of the spam advertising health services and products, and travel and leisure, contains false or misleading information.

This rampant deception has the potential to undermine Americans' trust of valid information on the Internet. Indeed, it has already caused some Americans to refrain from using the Internet to the extent that they otherwise would. For example, some have chosen not to participate in public discussion forums, and are hesitant to provide their addresses in legitimate business transactions, for fear that their email addresses will be harvested for junk email lists. And they are right to be concerned. The FTC found spam arriving at its computer system just nine minutes after posting an email address in an online chat room.

At a recent FTC forum on spam, experts agreed that the issue is ripe for Federal action. Some 30 States now have anti-spam laws, but the nature of email makes it difficult to discern where any given piece of spam originated, and, thus, what State has jurisdiction and what State law applies. This may explain why spammers continue to flout State laws. For example, several States require that spam begin the subject line with ''ADV,'' but the FTC has found that only 2 percent of spam contains this label.

Technology will undoubtedly play a key role in fighting spam. However, a technological solution to the problem is not predicted in the foreseeable future. In addition, given the adroitness with which spammers adapt to anti-spam technologies, the development and implementation of technological fixes to spam entail constant vigilance and substantial financial investment. This raises the question: Why should individuals and businesses be forced to invest large amounts of time and money in buying, installing, and maintaining generation after generation of anti-spam technologies?

I have often said that the government should regulate the Internet only when absolutely necessary. Unfortunately, spammers have caused this to be one of those times. Congress needs to address the spam problem quickly and prudently, and the Criminal Spam Act, by targeting the most injurious types of spam, is a good start.

The bill that Senator HATCH and I introduce today would prohibit the four principal techniques that spammers use to evade filtering software and hide their trails.

First, our bill would prohibit hacking into another person's computer system and sending bulk spam from or through that system. This would criminalize the common spammer technique of obtaining access to other people's email accounts on an ISP's email network, whether by password theft or by inserting a ''Trojan horse'' program—that is, a program that unsuspecting users

download onto their computers and that then takes control of those computers—to send bulk spam.

Second, the bill would prohibit using a computer system that the owner makes available for other purposes as a conduit for bulk spam, with the intent of deceiving recipients as to the spam's origins. This prohibition would criminalize another common spammer technique—the abuse of third parties' ''open'' servers, such as email servers that have the capability to relay mail, or Web proxy servers that have the ability to generate ''form'' mail. Spammers commandeer these servers to send bulk commercial email without the server owner's knowledge, either by ''relaying'' their email through an ''open'' email server, or by abusing an ''open'' Web proxy server's capability to generate form emails as a means to originate spam, thereby exceeding the owner's authorization for use of that email or Web server. In some instances the hijacked servers are even completely shut down as a result of tens of thousands of undeliverable messages generated from the spammer's email list.

The bill's third prohibition targets another way that outlaw spammers evade ISP filters: falsifying the ''header information'' that accompanies every email, and sending bulk spam containing that fake header information. More specifically, the bill prohibits forging information regarding the origin of the email message, the route through which the message attempted to penetrate the ISP filters, and information authenticating the user as a ''trusted sender'' who abides by appropriate consumer protection rules. The last type of forgery will be particularly important in the future, as ISPs and legitimate marketers develop ''white list'' rules whereby emailers who abide by self-regulatory codes of good practices will be allowed to send email to users without being subject to anti-spamming filters. There is currently substantial interest among marketers and email service providers in ''white list'' technology solutions to spam. However, such ''white list'' systems would be useless if outlaw spammers are allowed to counterfeit the authentication mechanisms used by legitimate emailers.

Fourth and finally, the Criminal Spam Act prohibits registering for multiple email accounts or Internet domain names, and sending bulk email from those accounts or domains. This provision targets deceptive ''account churning,'' a common outlaw spammer technique that works as follows. The spammer registers, usually by means of an automatic computer program, for large numbers of email accounts or domain names, using false registration information, then sends bulk spam from one account or domain after another. This technique stays ahead of ISP filters by hiding the source, size, and scope of the sender's mailings, and prevents the email account provider or domain name registrar from identifying the registrant as a spammer and denying his registration request. Falsifying registration information for domain names also violates a basic contractual requirement for domain name registration.

Penalties for violations of these provisions are tough but measured. Recidivists and those who send spam in furtherance of another felony may be imprisoned for up to five years. Large-volume spammers, those who hack into another person's computer system to send bulk spam, and spam ''kingpins'' who use others to operate their spamming operations may be imprisoned for up to three years. Other offenders may be fined and imprisoned for no more than one year. Convicted offenders are also subject to forfeiture of proceeds and instrumentalities of the offense.

In addition to these criminal penalties, offenders are also subject to civil enforcement actions, which may be brought by either the Department of Justice or by an ISP. Civil remedies are important as a supplement to criminal enforcement for several reasons. First, bringing cases against outlaw spammers is very resource intensive because of the extensive forensic work involved in building a case; providing for civil enforcement will allow ISPs to assemble evidence to make prosecutors' jobs easier. Second, although criminal prosecutions are a critical deterrent against the most egregious spammers, the Justice Department is unlikely to prosecute all outlaw spam cases; civil enforcement, backed by strong financial penalties, will serve as a second layer of deterrence. Third, criminal penalties may not be appropriate in all cases, as for example in the case of teenagers hired by professional outlaw spammers to send out email for them; civil enforcement gives the Justice Department a more complete and refined range of tools to address specific outlaw spam problems.

That describes the main provisions of our bill. In addition, because commercial email can be, and is being, sent from all over the world into the virtual mailboxes of Americans, the bill directs the Administration to report on its efforts to achieve international cooperation in the investigation and prosecution of outlaw spammers.

Again, the purpose of the Criminal Spam Act is to deter the most pernicious and unscrupulous types of spammers—those who use trickery and deception to induce others to relay and view their messages. Ridding America's inboxes of deceptively delivered spam will significantly advance our fight against junk email. But the Criminal Spam Act is not a cure-all for the spam pandemic.

The fundamental problem inherent to spam—its sheer volume—may well persist even in the absence of fraudulent routing information and false identities. In a recent survey, 82 percent of respondents considered unsolicited bulk email, even from legitimate businesses, to be unwelcome spam. Given this public opinion, and in light of the fact that spam is, in essence, cost-shifted advertising, it may be wise to take a broader approach to our fight against spam.

One approach that has achieved substantial support is to require all commercial email to include an ''opt out'' mechanism, that is, a mechanism for consumers to opt out of receiving further unwanted spam. At the recent FTC forum, several experts expressed concerns about this approach, which permits spammers to send at least one piece of spam to each email address in their database, while placing the burden on email recipients to respond. People who receive dozens, even hundreds, of unwanted emails each day would have little time or energy for anything other than opting-out from unwanted spam.

According to one organization's calculations, if just one percent of the approximately 24 million small businesses in the U.S. sent every American just one spam a year, that would amount to over 600 pieces of spam for each person to sift through and opt-out of each day. And this figure may be conservative, as it does not include the large businesses that also engage in online advertising.

A second possible approach to spam—a national ''Do Not Spam'' registry—raises a different but no less difficult set of concerns. The two FTC Commissioners who testified last month at the Senate Commerce Committee's hearing on spam both questioned the potential of a national registry to alleviate the spam problem. Although this approach would place a smaller burden on consumers than would an opt-out system, it would entail immense costs, complexity, and delay, all of which work in the spammers' favor.

A third way of attacking spam—and one that was favored by many panelists and audience members at the FTC forum—is to establish an opt-in system, whereby bulk commercial email may only be sent to individuals and businesses who have invited or consented to it. This approach has strong precedent in the Telephone Consumer Protection Act of 1991, TCPA, which Congress passed to eliminate similar cost-shifting, interference, and privacy problems associated with unsolicited commercial faxes. The TCPA's ban on faxes containing unsolicited advertisements has withstood First Amendment challenges in the courts, and was adopted by the European Union in July 2002.

I have discussed three possible approaches to the spam problem, and there are several others, some of which have already been codified in state law. I encourage the consideration of all these anti-spam approaches in the weeks and months to come.

Reducing the volume of junk commercial email, and so protecting legitimate Internet communications, will

not be easy. There are important First Amendment interests to consider, as well as the need to preserve the ability of legitimate marketers to use email responsibly. If Congress does act, it must get it right, so as not to exacerbate an already terribly vexing problem.

The Criminal Spam Act is a first step in countering spam. If we can shut down the spammers who use deception to evade filters and confuse consumers, we will give the next generation of anti-spam technologies a chance to do their work. Our bill targets the most egregious offenders, it provides a much-needed federal cause of action, and it allows the states to continue to serve as a ''laboratory'' for tough anti-spamming regulation. I urge its speedy enactment into law.

By Mrs. MURRAY (for herself, Mrs. BOXER, Ms. CANTWELL, Mr. KENNEDY, Mr. LEAHY, and Mr. PRYOR):

S. 1294. A bill to authorize grants for community telecommunications infrastructure planning and market development, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. MURRAY. Mr. President, I rise today to introduce legislation to help rural and underserved communities across the country get connected to the information economy.

Today I am introducing the Community Telecommunication Planning Act of 2003. I am proud to have Senators BOXER, CANTWELL, KENNEDY, LEAHY, and PRYOR as original cosponsors. This bill will give small and rural communities a new tool to attract high speed services and economic development.

Representative INSLEE from my home State, along with several other members, will soon introduce a companion bill in the House. I appreciate him working with me to meet this challenge.

I am especially proud of how this legislation came about. For the last four years, I've been working with a group of community leaders in Washington State to find ways to help communities get connected to advanced telecommunications services.

I want to take a moment to thank the members of my Rural Telecommunication Working Group for their hard work on this bill. The members include: Brent Bahrenburg, Gregg Caudell, Dee Christensen, Dave Danner, Louis Fox, Tami Garrow, Larry Hall, Rod Fleck, Ray King, Dale King, Terry Lawhead, Dick Llarman, Jim Lowery, Jim Miller, Joe Poire, Skye Richendrfer, Ted Sprague, Jim Schmit, and Ron Yenney.

We met as a working group, and we held forums around the State that attracted hundreds of people. We've tapped the ideas of experts, service providers and people from across the State who are working to get their communities connected. The result is this legislation, which I am proud to say is part of Washington State's contribution to our national effort to connect all parts of our country to the Internet.

The bill was originally introduced in the 107th Congress. I was able to attach a version of it to the Farm Bill. Unfortunately, the provision was removed during Conference.

This bill addresses a real need in many communities. While urban and suburban areas have strong competition between telecommunications providers, many small and rural communities are far removed from the services they need.

We must ensure that all communities have access to advanced telecommunications like high speed internet access and the wireless Internet. Just as yesterday's infrastructure was built of roads and bridges, today our infrastructure includes advanced telecom services.

Advanced telecommunications can enrich our lives through activities like distance-learning, and they can even save lives through efforts like telemedicine. The key is access. Access to these services is already turning some small companies in rural communities into international marketers of goods and services.

Unfortunately, many small and rural communities are having trouble getting the access they need. Before communities can take advantage of some of the help and incentives that are out there, they need to work together and got through a community planning process. Community plans identify the needs and level of demand, create a vision for the future, and show what all the players must do to meet the telecom needs of their community for today and tomorrow. These plans take resources to develop, and my bill would provide those funds.

Providers say they're more likely to invest in an area if it has a plan that makes a business case for the costly infrastructure investment. Communities want to provide them with that plan, but they need help developing it. Unfortunately, many communities get struck on that first step. They don't have the resources to do the studies and planning required to attract service. So the members of my Working Group came up with a solution: have the Federal Government provide competitive grants that local communities can use to develop their plans. I took that idea and put it into this bill.

After determining what services they need, communities must then go out and make a market case to providers. That is why I've added ''market development'' to the list of allowable uses of grant funding.

While this bill deals with new technology, it's really just an extension of the infrastructure support the federal government traditionally provides to communities.

The Federal Government already provides money to help communities plan other infrastructure improvements—everything from roads and bridges to wastewater facilities. Because today's economic infrastructure includes advanced telecom services, I believe the Federal Government should provide similar support for local technology infrastructure.

In summary, this bill would provide rural and underserved communities with grant money for creating community plans, technical assessments and other analytical work, and it would allow these communities to use the funding to market these plans to providers.

With these grants, communities will be able to turn their desire for access into real access that can improve their communities and strengthen their economies. This bill can open the door for thousands of small and rural areas across our country to tap the potential of the information economy.

I urge the Senate to support this bill, and I look forward to working with my colleagues to see it passed.

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. 1294

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 ''Community Telecommunications Planning Act of 2003''.

SEC. 2. COMMUNITY TELECOMMUNICATIONS PLANNING GRANTS.

(a) AUTHORITY TO MAKE GRANTS.—Each Secretary concerned may, using amounts authorized to be appropriated by the applicable paragraph of subsection (g), make grants to eligible entities described in subsection (b) for the community telecommunications infrastructure planning and market development purposes described in subsection (c).

(b) ELIGIBLE ENTITIES.—An entity eligible for a grant under this section is any local or tribal government, local non-profit entity, cooperative, public utility, or other public entity that proposes to use the amount of the grant for the community telecommunications infrastructure planning and market development purposes described in subsection (c).

(c) COMMUNITY TELECOMMUNICATIONS INFRASTRUCTURE PLANNING AND MARKET DEVELOPMENT.—Amounts from a grant made under this section shall be used for purposes of facilitating the development of a telecommunications infrastructure and market development plan for a locality by various means, including—

(1) by encouraging the involvement in the development of the plan of interested elements of the community concerned, including the business community, governments, telecommunications providers, and secondary and, where applicable, post-secondary educational institutions and their students;

(2) by enhancing the focus of the development of the plan on a wide range of telecommunications needs in the community concerned, including needs relating to local business, education, health care, and government;

(3) by enhancing the identification of a wide range of potential solutions for such needs through advanced telecommunications infrastructure; and

(4) by any other means that the Secretary concerned considers appropriate.

(d) GRANT PRIORITY FOR PLANNING FOR RURAL AND UNDERSERVED AREAS.—In making grants under this section, each Secretary concerned shall give priority to eligible entities that propose to use the grants for community telecommunications infrastructure planning and market development for rural areas or underserved areas.

(e) ADMINISTRATION.—Each Secretary concerned shall establish such administrative requirements for grants under this section, including requirements for applications for such grants, as such Secretary considers appropriate.

(f) DEFINITIONS.—In this section:

(1) RURAL AREA.—The term ''rural area'' means any county having a population density of less than 300 people per square mile as determined in the 2000 decennial census.

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' means each of the following:

(A) The Secretary of Commerce.

(B) The Secretary of Agriculture.

(C) The Secretary of Education.

(3) UNDERSERVED AREA.—The term ''underserved area'' means any census tract as determined in the 2000 decennial census which is located in—

(A) an empowerment zone or enterprise community designated under section 1391 of the Internal Revenue Code of 1986;

(B) the District of Columbia Enterprise Zone established under section 1400 of the Internal Revenue Code of 1986;

(C) a renewal community designated under section 1400E of the Internal Revenue Code of 1986; or

(D) a low-income community designated under section 45D of the Internal Revenue Code of 1986.

(g) AUTHORIZATIONS OF APPROPRIATIONS.—There is authorized to be appropriated for purposes of making grants under this section—

(1) for the Department of Commerce—

(A) $25,000,000 for fiscal year 2004; and

(B) such sums as may be necessary for fiscal year 2005 and each subsequent fiscal year;

(2) for the Department of Agriculture—

(A) $25,000,000 for fiscal year 2004; and

(B) such sums as may be necessary for fiscal year 2005 and each subsequent fiscal year; and

(3) for the Department of Education—

(A) $10,000,000 for fiscal year 2004; and

(B) such sums as may be necessary for fiscal year 2005 and each subsequent fiscal year.

By Mr. HATCH (for himself and Mr. TALENT):

S. 1297. A bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance to the Flag; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise to introduce today the ''Protect the Pledge Act of 2003.'' The Pledge of Allegiance to the Flag has been an integral part of this Nation's identity since its early days. It was first written by a Baptist minister in 1892 as part of the commemoration of the 400th Anniversary of the discovery of America. For over a century, children and adults have recited this Pledge in schools, in government and military ceremonies, and on other formal occasions. It represents a promise of loyalty to the Flag itself, to the country it represents, and to the government that unites all fifty states. Perhaps more importantly, for many people, its recitation represents as essential element of what it means to be an American.

In United States v. Newdow, the Ninth Circuit jeopardized the integrity of the Pledge of Allegiance. It held that a school district's policy of teacher-led recitation of the Pledge violates the First Amendment Establishment Cause because it includes the phrase ''under God.'' This decision is simply wrong. It claims that the American flag symbolizes monotheism. It does no such thing. The Pledge represents our country, our independence, our government—simply, it represents liberty and justice for all. While the phrase ''under God'' undeniably has some religious connotation, it is a term of art with de minimus theological significance. It is not intended to establish a national religion or to prohibit the free exercise of religious beliefs. The thirty-one words of the Pledge of Allegiance, however, are worthy of reverence and respect. To eliminate the phrase ''under God'' would be equivalent to depicting the flag with forty-nine stars or twelve stripes. It changes the constitution of our American identity.

The ''Protect the Pledge Act of 2003'' prevents further judicial encroachment by eliminating federal jurisdiction of claims that the recitation of the Pledge violates the First Amendment. By passing this legislation, Congress is exercising its Constitutional duty to preserve the separation of powers. When the judiciary has oversteps its boundaries, as it has done in Newdow, Congress must act to protect the sanctity of the Pledge of Allegiance. This bill represents a reasoned response to Newdow. By limiting its scope to federal jurisdiction, it leaves open a potential remedy in state court, thereby obviating any due process concerns.

I am hopeful that my colleagues in both Houses will work expeditiously, on a bi-partisan basis, to enact this important legislation.

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

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

S. 1297

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 ''Protect the Pledge Act of 2003''.

SEC. 2. JURISDICTION LIMITATION.

(a) IN GENERAL.—Chapter 99 of title 28, United States Code, is amended by adding at the end the following:

''§ 1632. Jurisdiction limitation

''No court established by Act of Congress shall have jurisdiction to hear or determine any claim that the recitation of the Pledge of Allegiance to the Flag ('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.') violates the first article of amendment to the Constitution of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 99 of title 28, United States Code, is amended by adding at the end the following new item:

''1632. Jurisdiction limitation.''.

By Mr. AKAKA (for himself, Mr. LEAHY, and Mrs. BOXER):

S. 1298. A bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. AKAKA. Mr. President, I rise today to introduce the Downed Animal Protection Act, a bill to provide for the humane treatment, handling, and euthanasia of non-ambulatory, downed, livestock unable to stand or walk unassisted.

Farm animals such as cattle, sheep, swine, goats, horses, mules, and other equines that are too severely distressed and sick to move without assistance are often not handled humanely. Due to the extra effort and cost to individually feed and water non-ambulatory livestock, these animals routinely endure very poor conditions. In most cases, the level of suffering of downed animals is so severe that the most humane solution is to euthanize them as soon as possible. It is important to note that non-ambulatory livestock comprise a tiny fraction, less than one percent, of all animals at stockyards.

The humane euthanasia of non-ambulatory livestock would also protect human health. Many of the downed animals that survive in the stockyard are slaughtered for human consumption. A large majority of these non-ambulatory animals are contaminated with fecal matter, the main cause of Salmonella. U.S. citizen groups, such as the Parents of Sickened Children, have called for improved regulations to stop sickness and death from preventable diseases like Salmonella.

I commend responsible and conscientious livestock organizations and producers such as the United Stockyards Corporation, the Minnesota Livestock Marketing Association, the National Pork Producers Council, the Colorado Cattlemen's Association, and the Independent Cattlemen's Association of Texas for their efforts to address the issue of downed animals. However, the need for stronger legislation to ensure that non-ambulatory animals do not enter our food chain is evident, particularly with the recent discovery of Bovine Spongiform Encephalopathy BSE, in Canada.

The Downed Animal Protection Act will remove the incentive for sending non-ambulatory livestock to stockyards, thereby reducing the risk that these animals will be processed for human consumption and discouraging their inhumane treatment at farms and ranches. My bill will complement the industry's current efforts to address this problem and make the issue of downed animals a priority.

My legislation would set a uniform national standard, thereby removing

any unfair advantage that might result from different standards throughout the industry. Furthermore, no additional bureaucracy will be needed as a consequence of my bill because inspectors regularly visit stockyards and slaughter facilities to enforce existing regulations. Thus, the additional burden on the agency and stockyard operators will be insignificant.

As I stated before, this bill will stop the inhumane and improper treatment of downed animals while also helping to ensure that our food supply remains safe. I encourage my colleagues to support this important 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. 1298

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 ''Downed Animal Protection Act''.

SEC. 2. UNLAWFUL SLAUGHTER PRACTICES INVOLVING NONAMBULATORY LIVESTOCK.

(a) IN GENERAL.—Section 10815 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1967) is amended—

(1) by redesignating subsection (c) as subsection (f);

(2) by striking subsections (a) and (b) and inserting the following:

''(a) DEFINITIONS.—In this section:

''(1) COVERED ENTITY.—The term 'covered entity' means—

''(A) a stockyard;

''(B) a market agency;

''(C) a dealer;

''(D) a slaughter facility; and

''(E) an establishment.

''(2) ESTABLISHMENT.—The term 'establishment' means an establishment that is covered by the Federal Meat Inspection Act (21 U.S.C. 601 et seq.).

''(3) HUMANELY EUTHANIZE.—The term 'humanely euthanize' means to kill an animal by mechanical, chemical, or other means that immediately renders the animal unconscious, with this state remaining until the death of the animal.

''(4) NONAMBULATORY LIVESTOCK.—The term 'nonambulatory livestock' means any cattle, sheep, swine, goats, or horses, mules, or other equines, that are unable to stand and walk unassisted.

''(5) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

''(b) HUMANE TREATMENT, HANDLING, AND DISPOSITION.—The Secretary shall promulgate regulations to provide for the humane treatment, handling, and disposition of nonambulatory livestock by covered entities, including a requirement that nonambulatory livestock be humanely euthanized.

''(c) HUMANE EUTHANASIA.—

''(1) IN GENERAL.—Subject to paragraph (2), when an animal becomes nonambulatory, a covered entity shall immediately humanely euthanize the nonambulatory livestock.

''(2) DISEASE TESTING.—Paragraph (1) shall not limit the ability of the Secretary to test nonambulatory livestock for a disease, such as Bovine Spongiform Encephalopathy.

''(d) MOVEMENT.—

''(1) IN GENERAL.—A covered entity shall not move nonambulatory livestock while the nonambulatory livestock are conscious.

''(2) UNCONSCIOUSNESS.—In the case of any nonambulatory livestock that are moved, the covered entity shall ensure that the nonambulatory livestock remain unconscious until death.

''(e) INSPECTIONS.—It shall be unlawful for an establishment to pass through inspection any nonambulatory livestock.'';

(3) in subsection (f) (as redesignated by paragraph (1))—

(A) in the first sentence—

(i) by inserting ''this section and'' after ''enforcing''; and

(ii) by striking ''subsection (b)'' and inserting ''this section''; and

(B) in the second sentence—

(i) by inserting ''this section or'' after ''violates''; and

(ii) by striking ''subsection (b)'' and inserting ''this section''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) take effect on the date that is 1 year after the date of enactment of this Act.

(2) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall promulgate final regulations to implement the amendments made by subsection (a).

By Ms. SNOWE (for herself and Ms. MURKOWSKI):

S. 1299. A bill to amend the Trade Act of 1974 to provide trade readjustment and development enhancement for America's communities, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise to introduce the ''TRADE for America's Communities Act'' in recognition of the critical need to provide economic development assistance to communities, across this Nation, that have been negatively impacted by trade. I am pleased to be joined by Senator MURKOWSKI in offering this critical legislation.

We are faced with a challenge to a U.S. trade program from the international community and with communities that are being left behind in an era of global commerce. Congress must make the difficult decisions to turn these two challenges into opportunities for this Nation. In 1999, I supported the Continued Dumping and Subsidy Offset Act, authored by Senator DEWINE, that used the revenue from countervailing and antidumping tariff duties to provide assistance to the firms that were affected by unfair trade. I supported that bill because it introduced an important policy principle: that the revenue from unfair trade should be used to help those hurt by trade.

Unfortunately, that act ran afoul of our international commitments. In January, the World Trade Organization ruled that this program was in violation of our Antidumping Agreement, and the President requested Congress repeal that program in order to bring the United States into compliance. While I cannot support a full repeal of this program, I believe the bill we are introducing today will bring the United States into compliance with our international obligations, while maintaining the principle that this money be used to help those hurt by trade.

In fact, the TRADE for America's Communities Act builds upon the strong foundation and principles of Senator DEWINE's program and it is my hope that other proponents of the CDSOA will support our efforts to address the needs of these communities. While it is necessary to live up to our international agreements, it is just as imperative that we live up to our responsibilities to the fishing towns, mining towns and mill towns of America where jobs have been lost.

With the momentum provided by the passage of Trade Promotion Authority, the President has put forth an agenda on a bilateral, regional and global basis that promotes the liberalization of trade. As the President has argued, this policy agenda creates new opportunities for prosperity and growth.

At the same time, we must never forget that opportunities of market access, improved consumer choice, and availability of manufacturing inputs, come with the price of transitions, dislocations, and shifts in the U.S. economy. These dynamic changes that are outgrowths from trade are similar to technological advances in productivity that leave workers out of jobs, or plants out of operation. However, while technological advances are the initiative of private enterprise, trade liberalization is the chosen policy of government. Free trade creates opportunities, but it also creates responsibilities that this government must embrace just as firmly as it embraces free trade.

The bill we are introducing today address these issues by giving the Department of Commerce the revenue from these tariffs, which currently goes to corporations, to provide technical assistance to communities that have been negatively impacted by trade, to develop strategic plans that would focus on creating and retaining jobs in a community and promote economic diversification. Once the strategic plans have been approved by the Department of Commerce, grants would be available, based on the needs of the community, to implement economic development projects, improve the local infrastructure, support the establishment of small businesses, and attract new businesses.

In small towns, where the livelihood of the local economy depends on one industry, one plant, or one company, that is suffering under trade liberalization, it can cause devastation when that steel mill, paper mill, or textile mill shuts down. In towns like East Millinocket, ME, where Great Northern Paper went bankrupt, or in Waterville, Maine, where Hathaway shut down their plant and moved shirt production overseas, local economies were sent into disarray. That is just part of the reason I was so adamant in my support last year for improvements in Trade Adjustment Assistance.

Congress did the right thing when we expanded TAA training and benefits in the Trade Act of 2002, but one of the complaints leveled against TAA was the concern over what these workers would be able to do with their new

training in small towns that had few jobs to offer. The ''TRADE for America's Communities Act'' seeks to answer those concerns by ensuring that in towns where there may be few opportunities left, this government takes the first step towards providing hope through economic adjustment assistance.

The ''TRADE for America's Communities Act'' would lay the groundwork for an America where no community is left behind in the march towards a free and open global economy. As the Finance Committee continues its work on trade legislation and the numerous trade agreements being proposed by this Administration, I look forward to the opportunity to address the economic development needs of these communities.

By Ms. CANTWELL:

S. 1300. A bill to prohibit a health plan from contracting with a pharmacy benefit manager (PBM) unless the PBM satisfies certain requirements, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. CANTWELL. Mr. President, I rise today to offer the Prescription Drug Consumer Information Act. I believe this legislation will dramatically improve the way in which prescription drug benefits are provided to our Nation's 40 million senior citizens through the Medicare program.

The Prescription Drug Consumer Information Act is intended to provide some assurances that the billions of dollars being spent on this new prescription drug benefit for Medicare is going as far as possible. The Act is focused primarily on the practices of pharmacy benefit managers, the private companies that would most likely administer the new prescription drug benefit called for under the Prescription Drug Benefits Bill.

PBMs have come to dominate the prescription drug benefit market and subsequently, have been the target of criticism by the employers and health plans that contract with them. The source of the controversy has been the cost cutting practices of PBMs, which have allowed them to make prescription drug coverage more affordable. However, the fact that drug prices continue to rise in the face of these cost-cutting efforts, has led some to question PBM practices in the private sector. As we move forward in providing prescription drug coverage within a government-operated program as large as Medicare it is critical that there be adequate safeguards in place. My bill would provide greater scrutiny and auditing of PBMs contracting with the government and also provide some consumer protections for all Americans who purchase prescription drugs.

The market share of prescription drug benefits managed by PBMs has grown enormously in recent years. Currently, 90 percent of Americans with prescription drug coverage have their benefits administered by a PMB. Of that 90 percent, nearly 70 percent of those people are served by one of the four major PBM companies. PBMs provide benefits to nearly 200 million Americans, including 65 percent of the Nation's senior population. PBMs have become as powerful in the delivery of prescription drug services as the manufacturers which produce medications.

As PBMs have come to dominate the market, they are increasingly drawing the attention of State lawmakers struggling with skyrocketing prescription drug costs for state workers and large programs like Medicaid. As States focus on reducing pharmaceutical costs, suspicions are growing among state lawmakers and health department officials that the ''behind-closed-doors'' practices of PBMs are responsible for some of the escalating costs of prescription drugs. In 2002, Georgia become the first State to regulate PBMs by requiring they be licensed as pharmacies. This year, 19 States have introduced legislation to regulate or license PBMs.

At issue are the rebates, discounts and other savings that PBMs negotiate with drug manufacturers in exchange for giving their medications ''preferred'' status on the PBMs list of available drugs. Those contracts are a primary source of revenue for the PBMs and for the drug manufacturers who see use of their products increase as the PBM steers its massive consumer base toward the preferred drug. However, because PBMs are so secretive about their arrangements with manufacturers, it is difficult for PBM clients to know if a significant portion of the rebates are being passed back to them as the PBM promises.

PBMs also negotiate lower prices with pharmacies but fail to share those savings with consumers, particularly on generic drugs. A recent Wall Street Journal investigation found that for one drug fluoxetine, a generic of Prozac, PBMs were buying the drug from the pharmacy for about 30 cents a pill. However, most of the PBMs clients were paying $1.06 a pill based on the average markup formula. The PBM was pocketing the difference, which was 76 cents per pill. Multiply that by the number of fluoxetine pills dispensed by the PBMs and it is clear that these private companies are getting rich while consumers continue to pay unnecessarily high drug prices. This may be in the best interests of the PBMs shareholders, but it is a disservice to its customers, which turn to PBMs in an attempt to save money and lower drug costs.

Efforts to better understand the PBM industry have reinforced this attitude of secrecy and backroom deals. Last year, Senator DORGAN requested a General Accounting Office study of whether PBMs were sharing the savings achieved through rebates and discounts with the members of the Federal Employees Health Benefits Plan. Unfortunately, the study provided us with little understanding of how the PBM industry operates because GAO was denied access to the financial documents of the PBM companies. GAO had no way of fulfilling its obligation of reporting to Congress because the PBMs refused to disclose any information about rebates, discounts and other savings generated by FEHBP.

Yet, these same companies want the federal government to hand them billions of dollars for a new Medicare drug benefit without providing any accounting of how that money was spent. Allowing the PBMs to operate a government program in such secrecy is outrageous and would set a terrible policy precedent.

The Prescription Drug Consumer Information Act would improve this system with a five-part approach. First, the Act would eliminate potential conflicts of interest by prohibiting cross ownership of pharmaceutical manufacturing companies and PBMs. Second, it would contain costs by requiring that any PBM contracting with Medicare provide any cost savings negotiated with a pharmacy back to the PBM client, be that client an employer, a health plan or the government.

Third, it would require all pharmacies to disclose the retail cost of a prescription drug upon request by a consumer. Several States, including Washington State, Montana, New York, Oregon and Rhode Island, along with the Virgin Islands, currently require pharmacies to make retail prices available to consumers. This provision is desperately needed across the country. A 2002 survey conducted by the Washington State Attorney General's Office found that retail prices on prescriptions could vary as much as $25 within a city and within a pharmacy chain. All consumers should be able to comparison shop for the best price amongst pharmacies in their area but they cannot do that if they do not know the retail price of various drugs.

Fourth, the amendment would require PBMs on an annual basis to make public the percent of rebate received from the manufacturer that is passed back to the client, such as an employer, health plan or the government. The amendment does not require full public disclosure of the PBMs' negotiations with manufacturers because I realize that such a requirement could damage their ability to get good deals from the manufacturer. This disclosure does not have to take an all or nothing approach. The Act allows the PBM to keep private the specifics of their contracts, but at the same time provides senior citizens some assurance that they are benefiting from the savings achieved in those contracts.

Finally, my bill would strengthen the audit requirements for PBMs administering the Medicare drug benefit to ensure that PBMs are passing those rebates and other savings along to consumers. One of the problems for employers and health plans using PBMs now is that it is difficult for them to

confirm that the PBM is meeting its contractual obligations to pass on a portion of its savings. Auditing provisions in my bill include complete disclosure of the amounts and types of rebates. The results of the audit would not become public, to ensure the PBMs ability to continue to negotiate discounted prices. This approach strikes a fair balance between the PBMs rights as private companies and the duty the PBMs have to share any savings generated by the new benefit with Medicare recipients.

Together, these provisions will ensure that senior citizens and the government are getting the most out of every dollar spent on a Medicare prescription drug benefit and that other consumers who purchase prescription drugs are armed with information before spending their hard-earned money. Consumers should have some assurance that the private companies providing prescription drug insurance are not running up costs and cutting down coverage in an attempt to boost their own bottom lines. The Prescription Drug Consumer Information Act provides those assurances and protections.

By Mr. DEWINE (for himself and Mr. SCHUMER):

S. 1301. A bill to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and of other purposes; to the Committee on the Judiciary.

Mr. DEWINE. Mr. President, I rise today, along with the Senator from New York, Mr. SCHUMER, to introduce the Video Voyeurism Prevention Act of 2003. Our legislation would criminalize the appalling practice of filming or photographing victims without their knowledge or consent under circumstances violating their privacy.

Video voyeurism encompasses what is referred to as ''upskirting'' or ''downshirting.'' As the terms imply, this subset of video voyeurism involves the use of a tiny, undetectable camera to film up the skirt or down the shirt of an unsuspecting target, most often a woman. One of my constituents from Ohio became the victim of this shocking invasion of privacy while she was innocently enjoying a church festival with her 16-month old daughter. I would like to read you what she told the Cincinnati Enquirer newspaper in an article published on October 10, 2000:

> As I crouched down to put the baby in my stroller, I saw a video camera sticking out of his bag, taping up my dress. . . . It rocked my whole sense of security.

According to an ABCNEWS.com article that also published this story, this particular perpetrator had surreptitiously filmed a total of 13 women that day. Sadly, this is not an isolated event. The widespread availability of low-cost, high-resolution cameras has lead to an increase in the number of high-profile cases of ''video-voyeurism'' all over our country. Reports of women being secretly videotaped through their clothing at shopping malls, amusement parks, and other public places are far too common.

The impact of video voyeurism on its victims is greatly exacerbated by the Internet. As a result of Internet technology, the pictures that a voyeur captures can be disseminated to a worldwide audience in a matter of seconds. A State representative from Ohio, Representative Ed Jerse, stated it best when he told ABC News that when a woman's picture is posted on the Web, her privacy ''could be violated millions of times.''

Fortunately, my home State of Ohio has enacted a law that specifically targets video voyeurism. But Ohio is one of only a few States that have such a law. That means that in most areas around the country, victims of this practice are not only deprived of their security and their privacy but are left without any recourse against their perpetrator. As the defense attorney for one video voyeur aptly observed, ''the criminal law necessarily lags behind technology and human ingenuity.''

Our Video Voyeurism Prevention Act of 2003 seeks to close the gap in the law and ensure that video voyeurs will be punished for their acts. Our bill would make it a crime to videotape, photograph, film, or otherwise electronically record the naked or undergarment-clad genitals, pubic area, buttocks, or female breast of an individual without that individual's consent. This bill would help ensure that when a person has a reasonable expectation that he or she will not be videoed, filmed, or photographed as I have just described, that expectation of privacy will be recognized in and protected by the law. Additionally, our bill would make certain that perpetrators of video voyeurism are punished, by imposing a sentence of a fine or imprisonment for up to 1 year.

Importantly, however, the mens rea requirements included in this bill guarantee that only those who are truly guilty of this crime will be punished. To be charged with video voyeurism, an actor must intend to capture the prohibited image and must knowingly do so.

In closing, I strongly encourage my colleagues to support the Video Voyeurism Prevention Act of 2003. This legislation would help safeguard the privacy we all take for granted and would help ensure that our criminal law reflects the realities of our rapidly changing technology.

I ask unanimous consent that the text of our bill be printed at the conclusion of my remarks.

S. 1301

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 ''Video Voyeurism Prevention Act of 2003''.

SEC. 2. PROHIBITION OF VIDEO VOYEURISM.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 87 the following new chapter:

''CHAPTER 88—PRIVACY

''Sec.
''1801. Video voyeurism.

''§ 1801. Video voyeurism

''(a) Whoever, in the special maritime and territorial jurisdiction of the United States, having the intent to capture an improper image of an individual, knowingly does so under circumstances violating the privacy of that individual, shall be fined under this title or imprisoned not more than one year, or both.

''(b) In this section—

''(1) the term 'captures', with respect to an image, means videotapes, photographs, films, or records by any electronic means;

''(2) the term 'improper image', with respect to an individual, means an image, captured without the consent of that individual, of the naked or undergarment clad genitals, pubic area, buttocks, or female breast of that individual; and

''(3) the term 'under circumstances violating the privacy of that individual' means under circumstances in which the individual exhibits an expectation that the improper image would not be made, in a situation in which a reasonable person would be justified in that expectation.''.

(b) AMENDMENT TO PART ANALYSIS.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 87 the following new item:

''88. Privacy ..... 1801''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 176—RECOGNIZING THE NATIONAL HOCKEY LEAGUE'S NEW JERSEY DEVILS AND NATIONAL BASKETBALL ASSOCIATION'S NEW JERSEY NETS FOR THEIR ACCOMPLISHMENTS DURING THE 2002–2003 SEASON

Mr. CORZINE (for himself and Mr. LAUTENBERG) submitted the following resolution; which was considered and agreed to:

S. RES. 176

Whereas the New Jersey Devils defeated the Anaheim Mighty Ducks 3-0 on June 9, 2003 to win the Stanley Cup in 7 games;

Whereas the New Jersey Nets won the National Basketball Association (NBA) Eastern Conference Championship and reached the NBA Finals for the second consecutive year before losing a closely contested series to the San Antonio Spurs in 6 games;

Whereas the Devils won their third Stanley Cup in the last 9 years, as many as any other team in that period;

Whereas the Devils and Nets have won over the State of New Jersey (where the first professional basketball game took place in 1898) with their skillful offenses and stifling defenses;

Whereas the Devils and Nets have come to epitomize the never-say-die spirit of the people of New Jersey and have both become an important part of the State and its identity;

Whereas the fans of both New Jersey teams have shown the same spirit and determination in support of their teams and deserve commendation for their loyalty in this season's playoffs;

Whereas the Devils had a 12 win, 1 loss record at the Continental Airlines Arena, the most home wins in the history of the Stanley Cup playoffs;

Whereas the Nets swept both the Boston Celtics and the Detroit Pistons during a 10-