

S. 543. An act to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

#### MEASURE REFERRED

The Committee on Energy and Natural Resources was discharged from further consideration of the following measure which was referred to the Committee on Indian Affairs:

S. 156. A bill to provide certain benefits of the Pick-Sloan Missouri River Basin program to the Lower Brule Sioux Tribe, and for other purposes.

#### MEASURE PLACED ON THE CALENDAR

The following measure was read and placed on the calendar:

H. Con. Res. 84. Concurrent resolution establishing the congressional budget for the U.S. Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002.

#### MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 1306. An act to amend the Federal Deposit Insurance Act to clarify the applicability of host State laws to any branch in such State of an out-of-State bank.

#### EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-1950. A communication from the Chairman of the National Defense Panel, transmitting, pursuant to law, the report of the assessment of the May 1997 quadrennial defense review; to the Committee on Armed Services.

EC-1951. A communication from the Director of the Washington Headquarters Services, Department of Defense, transmitting, pursuant to law, a rule entitled "Civilian Health" (RIN0720-AA40) received on May 16, 1997; to the Committee on Armed Services.

EC-1952. A communication from the Secretary of U.S. Securities and Exchange Commission, transmitting, pursuant to law, two rules under the Investment Advisers Act of 1940 (RIN3235-AH07) received on May 16, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-1953. A communication from the Assistant General Counsel of the Department of Education, transmitting, pursuant to law, five rules including a rule entitled "Technology Innovation Challenge Grants" (RIN1810-AA82); to the Committee on Labor and Human Resources.

EC-1954. A communication from the Director of the Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, five rules including a rule entitled "Drug Labeling" (RIN0910-AA45); to the Committee on Labor and Human Resources.

EC-1955. A communication from the Director of the Institute of Museum and Library Services, transmitting, a draft of proposed

legislation to make technical amendments to the Museum and Library Services Act of 1996; to the Committee on Labor and Human Resources.

EC-1956. A communication from the Secretary of Education, transmitting, a draft of proposed legislation entitled "The Adult Basic Education and Literacy for the Twenty-First Century Act"; to the Committee on Labor and Human Resources.

EC-1957. A communication from the Secretary of Education and the Chief Executive Officer of the Corporation for National Service, transmitting jointly, a draft of proposed legislation entitled "The America Reads Challenge Act of 1997"; to the Committee on Labor and Human Resources.

EC-1958. A communication from the Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, a rule entitled "Increased Fine for Notice Posting Violations" received on May 12, 1997; to the Committee on Labor and Human Resources.

EC-1959. A communication from the Chairman of the Harry S. Truman Scholarship Foundation, transmitting, pursuant to law, the annual report for calendar year 1996; to the Committee on Labor and Human Resources.

EC-1960. A communication from the President of the James Madison Memorial Fellowship Foundation, transmitting, pursuant to law, the annual report for fiscal year 1996; to the Committee on Labor and Human Resources.

EC-1961. A communication from the Deputy Executive Director and Chief Operating Officer of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, a rule entitled "Allocation of Assets" received on May 12, 1997; to the Committee on Labor and Human Resources.

EC-1962. A communication from the Assistant Secretary of Education for Civil Rights, transmitting, pursuant to law, the annual report for fiscal year 1996; to the Committee on Labor and Human Resources.

EC-1963. A communication from the Acting Assistant Secretary of Labor for Employment and Training, transmitting, pursuant to law, a rule entitled "Training and Employment Guidance Letters No. 6-96, 7-96" received on April 22, 1997; to the Committee on Labor and Human Resources.

EC-1964. A communication from the President of the U.S. Institute of Peace, transmitting, pursuant to law, the report of the audit for fiscal year 1996; to the Committee on Labor and Human Resources.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 459. A bill to amend the Native American Programs Act of 1974 to extend certain authorizations, and for other purposes (Rept. No. 105-20).

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

##### IN THE AIR FORCE

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of impor-

tance and responsibility under title 10, United States Code, section 601:

##### To be lieutenant general

Maj. Gen. John W. Handy, 0000

##### IN THE ARMY

The following-named officers for appointment in the Reserve of the Army to the grade indicated under title 10, United States Code, section 12203:

##### To be major general

Brig. Gen. James W. Darden, 0000  
Brig. Gen. Michael E. Dunlavey, 0000  
Brig. Gen. Michael T. Gaw, 0000  
Brig. Gen. George O. Hillard III, 0000

##### To be brigadier general

Col. Richard W. Hammond, 0000  
Col. John R. Tindall, 0000  
Col. Gary C. Wattner, 0000

##### IN THE MARINE CORPS

The following-named officer for appointment in the U.S. Marine Corps to the grade indicated under title 10, United States Code, section 624:

##### To be brigadier general

Col. Terry L. Paul, 0000

##### IN THE NAVY

The following-named officers for appointment in the U.S. Navy to the grade indicated under title 10, United States Code, section 624:

##### To be rear admiral

Rear Adm. (1h) Joan M. Engel, 0000  
Rear Adm. (1h) Jerry K. Johnson, 0000

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. THURMOND. Mr. President, for the Committee on Armed Services, I report favorably 4 nomination lists in the Air Force, Army, Marine Corps, and the Navy which were printed in full in the CONGRESSIONAL RECORDS of January 28, April 25 and 28, 1997, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of January 28, April 25 and 28, 1997, at the end of the Senate proceedings.)

\* \* In the Air Force there are 686 appointments to the grade of colonel and below (list begins with Neal A. Andren) (Reference No. 172)

\* \* In the Army Reserve there are 41 appointments to the grade of colonel (list begins with James A. Adkins) (Reference No. 305)

\* \* In the Navy there are 2 appointments to the grade of commander and below (list begins with Thomas P. Yavorski) (Reference No. 308)

\* \* In the Navy there are 381 appointments to the grade of captain and below (list begins with Craig L. Herrick) (Reference No. 309)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. MURKOWSKI:

S. 771. A bill to regulate the transmission of unsolicited commercial electronic mail,

and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER (for himself, Mr. COVERDELL, and Mr. HUTCHINSON):

S. 772. A bill to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution, and for other purposes; to the Committee on Foreign Relations.

By Mr. DURBIN (for himself, Mr. TORRICELLI, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Mr. FEINGOLD, Mr. KENNEDY, Mr. KERRY, Mrs. BOXER, and Mr. REED):

S. 773. A bill to designate certain Federal lands in the State of Utah as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRAIG (for himself and Mr. KEMPTHORNE):

S. 774. A bill to provide for the stabilization, enhancement, restoration, and management of the Coeur d'Alene River basin watershed; to the Committee on Environment and Public Works.

By Mr. JEFFORDS (for himself, Mr. KOHL, Mr. GRAMS, Mr. D'AMATO, Ms. COLLINS, Mr. DASCHLE, Mr. LEAHY, Mr. SMITH of New Hampshire, Mr. GRASSLEY, Ms. SNOWE, and Mr. KENNEDY):

S. 775. A bill to amend the Internal Revenue Code of 1986 to exclude gain or loss from the sale of livestock from the computation of capital gain net income for purposes of the earned income credit; to the Committee on Finance.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 776. A bill to amend title XVIII of the Social Security Act to provide for an increase in update for certain hospitals with a high proportion of medicare patients; to the Committee on Finance.

By Mr. JOHNSON (for himself, Mr. DASCHLE, Mr. WELLSTONE, Mr. GRAMS, Mr. HARKIN, and Mr. GRASSLEY):

S. 777. A bill to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for planning and construction of the water supply system, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LUGAR:

S. 778. A bill to authorize a new trade and investment policy for sub-Saharan African; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. D'AMATO:

S. Res. 88. A resolution to express the support of the Senate for programs such as the JumpStart Coalition for Personal Financial Literacy; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LOTT:

S. Res. 89. A resolution to constitute the majority party's membership on the Governmental Affairs Committee for the 105th Congress, or until their successors are chosen; considered and agreed to.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI:

S. 771. A bill to regulate the transmission of unsolicited commercial electronic mail, and for other purposes; to the Committee on Commerce, Science, and Transportation.

##### THE UNSOLICITED COMMERCIAL ELECTRONIC MAIL CHOICE ACT OF 1997

Mr. MURKOWSKI. Mr. President, I rise today to introduce legislation that will address one of the major complaints of Internet users—the proliferation of unsolicited e-mail advertisements, junk e-mail, or so-called spam.

Mr. President, in the span of 5 years, an entirely new method of commerce and communication—electronic mail on the Internet—has spread around the world. Along with the benefits of this revolutionary technology, there are some negative byproducts that can only damage the integrity of this new communications medium.

Because of technological advances, Internet e-mail has also become a very inexpensive means of distributing endless e-mails solicitations that not only annoy but can also defraud recipients. Moreover, the growth of junk e-mail can clog e-mail distribution networks and overtax the ability of service providers to distribute legitimate communications.

With a minimal equipment investment, any individual or business has the capability to transmit unsolicited advertisements to thousands of people nationwide each hour with the click of a mouse. As technology advances, thousands will turn into millions, and junk e-mail could overwhelm cyberspace.

Junk e-mail is known in the trade by the derisive term of "spam." Based upon the content of many of these e-mails, I'd be insulted if I were an employee of Hormel, the creator of the real Spam.

Mr. President, not only is junk e-mail an annoyance, but for many Americans, especially citizens living in rural States like Alaska, there is a real out-of-pocket cost they must pay to receive these unsolicited advertisements. When an on-line subscriber in rural Alaska or Montana, logs on to a network server, such as America OnLine, to check to see if there is e-mail, the subscriber often must pay a long distance charge. If there is no e-mail in his on-line mailbox, the subscriber's long distance charge may only cover 1 minute. However, if there are 25 messages in his mailbox, 24 of which are unsolicited e-mail ads, his long distance charges could triple or quadruple.

So what the rural on-line user is forced to do is to pay for the privilege of receiving junk e-mail and then having to waste his time hitting his delete button to empty this junk out of his mail box.

Mr. President, we ought to do something to end this practice. In 1991, Congress passed the Automated Telephone Consumer Protection Act that contained a provision which banned unsolicited fax transmissions. In the bill I

am introducing today, the Unsolicited Commercial Electronic Mail Choice Act of 1997, I have not chosen to take such a sweeping and unilateral approach because the Internet is about choices, not outright bans.

What my bill does is to require the use of the word "Advertisement" in the subject line of any unsolicited commercial e-mail, along with the sender's real address, real e-mail address, and telephone number in the body of the message. This requirement will empower Internet users to filter out messages that they do not want to receive.

Spam generators who refuse to abide by this requirement could face legal action from private citizens, state attorneys general, and/or the Federal Trade Commission. FTC or state action could result in civil penalties of up to \$11,000 per incident and, more importantly, cease and desist orders. Private citizens bringing suit could recover \$5,000 plus reasonable attorney's fees.

Internet users can also choose not to unilaterally block all unsolicited commercial e-mails. Instead, they can send removal requests to specific mailing lists with further transmissions required to end within 48 hours.

Moreover, Internet Service Providers, such as America Online or Microsoft Network, would be required to filter out all e-mails with the word "Advertisement" in the subject line when a consumer so requests. Large service providers would have 1 year, from the date of enactment, to implement this requirement. Smaller Internet Service Providers would have 2 years to meet this requirement. Internet Service Providers would also be required to cut off service to those who use their services to send out unsolicited commercial e-mails in violation of the provisions of the act.

Mr. President, I want to point out what this bill does not attempt to do. It does not ban unsolicited commercial e-mails as some have suggested. I have not chosen an outright ban because I support the business practices of those who flood inboxes with sales pitches for worthless vitamin products and multi-level marketing schemes. Quite the contrary, I abhor such solicitations.

But I do not want to set a precedent in banning commercial speech on the Internet. Although these unsolicited advertisements are annoying, I do not believe that is a basis for an outright ban. A better approach is to simply ignore them by filtering them out. If enough Americans choose to filter out such e-mail messages, I seriously doubt that anyone will bother to send out such e-mails in the future since the cyberspace market will no longer be there.

I would also note that this bill does not impact automated mailing lists, e-mails between friends, or e-mails between businesses and their customers when there is a preexisting business relationship.

Mr. President, the Internet is about choices, not bans. The Unsolicited