

work better with some patients than others with the identical disease. There needs to be an adequate number of alternatives for treatment for patients, instead of ending the search for new products after only one is identified; now, therefore, be it

*Resolved by the Senate,* That we memorialize the Congress of the United States and the Food and Drug Administration to phase out the use of chlorofluorocarbons from medical inhalers in a schedule of at least three years to permit the development of as many treatment alternatives as possible; and be it further

*Resolved,* That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Food and Drug Administration

POM-137. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Appropriations.

#### LEGISLATIVE RESOLVE NO. 8

*Be it resolved by the Legislature of the State of Alaska:*

Whereas the United States and Canada entered into an agreement to reconstruct and pave the Alaska Highway from the Alaska-Canada border to Haines Junction, Yukon Territory, Canada, and the Haines Cutoff Highway from Haines Junction, Yukon Territory, Canada, to the Alaska-Canada border near Haines, Alaska, known as the Shakwak project, as authorized in the Federal-Aid Highway Act of 1973; and

Whereas the Congress authorized \$59,000,000 in 1973 for the project and has appropriated \$47,000,000 to the Federal Highway Administration for actual construction by Canada; and

Whereas the Congress further authorized \$20,000,000 a year for fiscal years 1993-1996 under the Intermodal Surface Transportation Efficiency Act of 1991, which has been fully appropriated; and

Whereas, in the last 16 years, the state has provided \$37,000,000 of state federal-aid highway apportionments to assist in meeting the obligations of the agreement; and

Whereas the estimated amount necessary to complete the entire project was in the order of \$260,000,000 in United States dollars; be it

*Resolved,* That the Alaska State Legislature respectfully requests the United States government and the Canadian government to honor their agreement and provide the additional funds necessary through direct federal appropriations, independent of the federal funds apportioned to Alaska by the Federal Highway Administration, to complete the remaining portions of the Shakwak project; and be it

*Further resolved,* That the United States Congress is respectfully requested to immediately appropriate an additional \$94,000,000 to allow work on additional project segments to proceed to a bituminous surface treatment standard.

POM-138. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Banking, Housing, and Urban Affairs.

#### LEGISLATIVE RESOLVE NO. 10

*Be it resolved by the Legislature of the State of Alaska:*

Whereas Alaska had, by regulation, imposed a primary manufacturing requirement applicable to timber harvested from state-owned land that is destined for export from the state; and

Whereas that regulation was permissive, allowing the director of the division of land to require that primary manufacture of for-

est products be accomplished within the state; and

Whereas, considering the Commerce Clause of the United States Constitution, in *Wunnicke*, 467 U.S. 82, 81 L.Ed.2d 71, 104 S.Ct. 2237 (1984), the United States Supreme Court determined that the state's regulation could not be given effect; while the court found evidence of a clearly defined federal policy imposing primary manufacture requirements as to timber taken from federal land in Alaska, it determined that the existing Congressional sanction reached only to activities on federal land and concluded that the state's assertion of Congressional authorization by silence to allow a state to regulate similar activities on nonfederal land could not be inferred; and

Whereas since the *Wunnicke* decision, the Congress has, in the Forest Resources Conservation and Shortage Relief Act of 1990, extended an existing ban on unprocessed log exports from federal land in the 11 contiguous Western states to cover timber harvested from nonfederal sources in those states; the extension of the ban on unprocessed log exports in those states collectively does not affect Alaska; and

Whereas the principal purposes, stated or assumed, in the 1990 Congressional Act for extending the ban on unprocessed log exports in the contiguous Western states—the efficient use and effective conservation of forests and forest resources, the avoidance of a shortfall in unprocessed timber in the marketplace, and concern for development of a rational log export policy as a national matter—are equally valid with respect to the significant timber resources held by this state, its political subdivisions, and its public university; and

Whereas the state cannot act to regulate, restrict, or prohibit the export of unprocessed logs harvested from land of the state, its political subdivisions, and the University of Alaska without a legislative expression demonstrating Congressional intent that is unmistakably clear;

*Be it resolved,* That the Legislature of the State of Alaska urges the United States Congress to give an affirmative expression of approval to a policy authorizing the state to regulate, restrict, or prohibit the export of unprocessed logs harvested from its land and from the land of its political subdivisions and the University of Alaska.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 417. A bill to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002 (Rept. No. 105-25).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 649. A bill to amend sections of the Department of Energy Organization Act that are obsolete or inconsistent with other statutes and to repeal a related section of the Federal Energy Administration Act of 1974 (Rept. No. 105-26).

### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Labor and Human Resources:

Jose-Marie Griffiths, of Tennessee, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2001.

Kathryn O'Leary Higgins, of South Dakota, to be Deputy Secretary of Labor.

Yerker Andersson, of Maryland, to be a Member of the National Council on Disability for a term expiring September 17, 1999 (Reappointment).

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

### 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. TORRICELLI:

S. 875. A bill to promote online commerce and communications, to protect consumers and service providers from the misuse of computer facilities by others sending bulk unsolicited electronic mail over such facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GREGG (for himself, Mr. TORRICELLI, Mr. SMITH of New Hampshire, and Mr. JOHNSON):

S. 876. A bill to establish a nonpartisan commission on Federal election campaign practices and provide that the recommendations of the commission be given expedited consideration by Congress; to the Committee on Rules and Administration.

By Mr. MCCAIN (by request):

S. 877. A bill to disestablish the National Oceanic and Atmospheric Administration Corps of Commissioned Officers; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH:

S. 878. A bill to redesignate the Federal building located at 717 Madison Place, Northwest, in the District of Columbia, as the "Howard T. Markey National Courts Building"; to the Committee on Environment and Public Works.

By Mr. FEINGOLD:

S. 879. A bill to provide for home and community-based services for individuals with disabilities, and for other purposes; to the Committee on Finance.

By Mr. GORTON:

S. 880. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel DUSKEN IV; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN (for himself and Mr. SMITH of Oregon):

S. 881. A bill to provide for a land exchange involving the Warner Canyon Ski Area and other land in the State of Oregon; to the Committee on Energy and Natural Resources.

By Mrs. BOXER:

S. 882. A bill to improve academic and social outcomes for students by providing productive activities during after school hours; to the Committee on Labor and Human Resources.

By Mr. GREGG (for himself, Mr. ROTH, Mr. FAIRCLOTH, Mrs. HUTCHISON, Mr. MURKOWSKI, Mr. SANTORUM, and Ms. COLLINS):

S. 883. A bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, to provide pension security, portability, and simplification, and for other purposes; to the Committee on Finance.

By Mr. CLELAND:

S. 884. A bill to amend the Appalachian Regional Development Act of 1965 to add Elbert County and Hart County, Georgia, to the Appalachian region; to the Committee on Environment and Public Works.

By Mr. D'AMATO (for himself, Mr. KERRY, Mrs. BOXER, Mr. BRYAN, Ms. MOSELEY-BRAUN, Mrs. MURRAY, and Mr. CHAFEE):

S. 885. A bill to amend the Electronic Fund Transfer Act to limit fees charged by financial institutions for the use of automatic teller machines, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MCCONNELL (for himself and Mr. LIEBERMAN):

S. 886. A bill to reform the health care liability system and improve health care quality through the establishment of quality assurance programs, and for other purposes; to the Committee on Labor and Human Resources.

By Ms. MOSELEY-BRAUN (for herself and Mr. DEWINE):

S. 887. A bill to establish in the National Service the National Underground Railroad Network to Freedom program, and for other purposes; to the Committee on Energy and Natural Resources.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TORRICELLI:

S. 875. A bill to promote online commerce and communications, to protect consumers and service providers from the misuse of computer facilities by others sending bulk unsolicited electronic mail over such facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

##### THE ELECTRONIC MAILBOX PROTECTION ACT OF 1997

Mr. TORRICELLI. Mr. President, I rise today to introduce the Electronic Mailbox Protection Act of 1997, in the hopes of addressing an increasingly serious threat to online commerce and personal privacy rights—the distribution of unsolicited, bulk e-mail by unidentifiable senders.

It is an unfortunate side effect of the burgeoning and exciting world of online communication and commerce that more and more individuals are finding their electronic mailboxes filled to the cyber-brim with unsolicited messages. And many Internet service providers are facing slowdowns or even breakdowns of their systems due to uncontrollable and unaccountable senders of unidentifiable and unsolicited bulk e-mail.

Mr. President, some have suggested that we simply ban all unsolicited e-mail. But some people do want to receive these unsolicited messages, especially when they are tailored to their personal interests. And legitimate businesses and organizations are increasingly using unsolicited e-mail to recruit new customers, new members, or even financial assistance.

However, many people do not wish to receive unsolicited e-mail at all. And many new businesses are less than fully legitimate—all too frequently, unsolicited e-mail arrives with no return address, and no means of opting-out of future mailings. In fact, it is precisely because many bulk e-mailers know that their activities are going to meet massive opposition that they disguise their identities or alter their return addresses.

Newly developed software and increasingly brazen cyber-promoters have only exacerbated the problem. In some cases, these messages have slowed down or even crippled Internet service through local or national Internet service providers.

Many of these new cyber-promoters collect millions of addresses from service providers without consent, mail to those who have already expressed a desire to be kept off bulk e-mail lists, or purposefully disguise their identity or return address. They refuse to yield to public pressure, private suit or any other citizen action, and the more destructive of their tactics must be addressed before the situation overwhelms the Internet and paralyzes legitimate online commerce—something must be done.

As a result, I have been working for some time now with privacy groups, marketers, online service providers, and others to develop strong but reasonable legislation to put a stop to the most destructive e-mail practices, while protecting the first amendment rights of all who wish to send legitimate e-mail of any kind.

Mr. President, I have long been concerned about excessive—indeed any—Government regulation of the Internet. Many of the best qualities of American life are represented and enhanced by the Internet—the world's most democratic medium—and I do not wish to stifle speech or inhibit the freedom of commerce or expression. However, the problem of unaccountable junk e-mailers will not go away, and if we do not address this problem with legislation we risk the destruction of all legitimate expression and commerce on the information superhighway.

After a long back and forth process with a wide variety of interests, I believe we are all finally in agreement that the bill I introduce today represents the strongest and most balanced approach to this growing problem. Specifically, my bill includes the following key provisions.

First, and most simply, my bill will prohibit anyone from sending e-mail to a person who has asked not to receive such mail—either prior to receiving the first message or in response to an unsolicited message that made its way into the recipients mailbox. Mr. President, this provision requires no more than common courtesy and proper business sense. But unfortunately, this provision is sorely needed by the thousands—even millions—of recipients of repetitive and unsolicited e-mail.

And the bill also contains a pro-active provision which effectively defines prior notice as including either direct notice or notice through a standard method adopted by an Internet standard setting body, like the Internet Engineering Task Force. In other words, we allow the IETF or another community-recognized organization to discuss, develop, and adopt a method of preemptively informing all senders that certain recipients do not want to receive any unsolicited electronic mail. This could take the form of an opt-out system, an opt-in system, or even some sort of address labeling standard—whatever the Internet community chooses to adopt. But once the standard is in place, my bill will require that senders comply with that standard. We have given the Internet community the tools to enforce their own pro-active steps, and I believe this achieves a proper balance between Government action and self-regulation. As much as is possible, Congress should avoid dictating the details of Internet architecture.

Second, my bill will prohibit sending unsolicited e-mail from an unregistered, illegitimate, or fictitious Internet domain for the purpose of preventing an easy reply. Such tactics have become increasingly common in recent months, because the less responsible marketers know—they just know—that many of the recipients of their unsolicited junk will be unhappy and wish to respond. Rather than act responsibly and respond to complaints as they come in, these fly-by-night marketers prefer to make it impossible to respond. We have all heard from constituents who are simply fed up with these practices, and this bill will empower our constituents to do something about it.

Third, my bill will prohibit the use of procedures designed to defeat or circumvent mail filtering tools. Consumers and service providers are getting better at using mail filters to block out unwanted mail. But these filtering programs, still in relative infancy, are no match for cyber-promoters with sophisticated techniques and all the time in the world to work on skirting the filters and making it into your mailbox.

Next, my bill will prohibit anyone from using a computer program to harvest, or gather, a large number of e-mail addresses for the purpose of sending unsolicited e-mail to those addresses or selling the list to other senders of unsolicited e-mail—if such activity would be against the policy of the computer service from which the addresses are collected. In other words, if America Online or AT&T or Panix or Erols have policies against using a computer to harvest addresses of their subscribers, cyber-promoters would have to comply.

My bill also puts a stop to so-called hit and run spamming, which occurs when someone gets access to a temporary e-mail account, sends out thousands of unsolicited messages, and then