S. 2133. A bill to suspend temporarily the duty on Dichlorobenzidine Dihydrochloride; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. ALLEN, Mr. SMITH of New Hampshire, Mr. SCHUMER, Mr. NICKLES, Mrs. CLINTON, Mr. WARNER, Ms. MIKULSKI, Mr. BURNS, and Mr. CRAIG):

S. 2134. A bill to allow American victims of state sponsored terrorism to receive compensation from blocked assets of those states; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. DASCHLE, Mr. CONRAD, Mr. THOMAS, Mr. JEFFORDS, Mr. ROCKEFELLER, Mr. BINGAMAN, Mr. HARKIN, Mr. JOHNSON, and Mr. ROBERTS):

S. 2135. A bill to amend title XVIII of the Social Security Act to provide for a 5-year extension of the authorization for appropriations for certain medicare rural grants; to the Committee on Finance.

By Mr. SPECTER:

S. 2136. A bill to establish a memorial in the State of Pennsylvania to honor the passengers and crewmembers of Flight 93 who, on September 11, 2001, gave their lives to prevent a planned attack on the Capitol of the United States; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU:

S. 2137. A bill to facilitate the protection of minors using the Internet from material that is harmful to minors, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. THURMOND:

S. Res. 242. A resolution designating August 16, 2002, as ''National Airborne Day''; to the Committee on the Judiciary.

By Mr. HUTCHINSON (for himself, Mr. DODD, Mrs. MURRAY, Mr. HATCH, Mr. SPECTER, Mr. BOND, Mr. BINGAMAN, Mr. CRAIG, Mr. TORRICELLI, Mr. BIDEN, Mr. JEFFORDS, Mr. CORZINE, Mr. SARBANES, Ms. MIKULSKI, Mr. KENNEDY, Mr. HELMS, Mr. FRIST, Mr. BREAUX, Mr. EDWARDS, Mr. CRAPO, Ms. COLLINS, Mr. CAMPBELL, Mr. SESSIONS, Mr. INHOFE, Mrs. CARNAHAN, Mr. DURBIN, Mr. KERRY, and Mr. THURMOND):

S. Res. 243. A resolution designating the week of April 21 through April 28, 2002, as ''National Biotechnology Week''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 77

At the request of Mr. DASCHLE, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 77, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 170

At the request of Mr. REID, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 885

At the request of Mr. HUTCHINSON, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 885, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program.

S. 1208

At the request of Mr. GRAHAM, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 1208, a bill to combat the trafficking, distribution, and abuse of Ecstasy (and other club drugs) in the United States.

S. 1304

At the request of Mr. KERRY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1304, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of oral drugs to reduce serum phosphate levels in dialysis patients with end-stage renal disease.

S. 1408

At the request of Mr. ROCKEFELLER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1408, a bill to amend title 38, United States Code, to standardize the income threshold for copayment for outpatient medications with the income threshold for inability to defray necessary expense of care, and for other purposes.

S. 1523

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1523, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 1644

At the request of Mr. CAMPBELL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1644, a bill to further the protection and recognition of veterans' memorials, and for other purposes.

S. 1738

At the request of Mr. KERRY, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1738, a bill to amend title XVIII of the Social Security Act to provide regulatory relief, appeals process reforms, contracting flexibility, and education improvements under the medicare program, and for other purposes.

S. 1749

At the request of Mr. KENNEDY, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from New Hampshire (Mr. GREGG), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1749, a bill to enhance the border security of the United States, and for other purposes.

S. 1836

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 1836, a bill to amend the Public Health Service Act to establish scholarship and loan repayment programs regarding the provision of veterinary services in veterinarian shortage areas.

S. 1850

At the request of Mr. CHAFEE, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1850, a bill to amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, and for other purposes.

S. 1977

At the request of Mr. THURMOND, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of S. 1977, a bill to amend chapter 37 of title 28, United States Code, to provide for appointment of United States marshals by the Attorney General.

S. 1988

At the request of Ms. LANDRIEU, the names of the Senator from Louisiana (Mr. BREAUX), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 1988, a bill to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers.

S. 1995

At the request of Ms. SNOWE, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1995, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 2039

At the request of Mr. DURBIN, the names of the Senator from Montana (Mr. BURNS) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 2039, a bill to expand aviation capacity in the Chicago area.

S. 2064

At the request of Mr. MCCAIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2064, a bill to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER:

S. 2132. A bill to amend title 38, United States Code, to provide for the establishment of medical emergency preparedness centers in the Veterans

Health Administration, to provide for the enhancement of the medical research activities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

● Mr. ROCKEFELLER. Mr. President, I am proud to introduce legislation that would establish four medical emergency preparedness research centers within the Department of Veterans Affairs. These centers would make the most of VA's expertise in basic and clinical research to shape new strategies for coping with, or preventing, the medical crisis that could result from a terrorist attack against the American people.

The threats posed by biological, chemical, radiological, and incendiary weapons demand that we prepare immediately, using our existing national resources as efficiently as possible. Although many of my colleagues know that VA operates the Nation's largest integrated healthcare system, fewer may know that VA manages the largest health professionals training program in the United States. VA's clinical research programs investigate both cutting-edge technology and best medical practices, and included over 15,000 projects last year.

Through its reach, its educational programs, and its research capacity, VA stands ready to make a significant contribution to protecting veterans and the public from the medical consequences of a terrorist attack. Only a few weeks ago, VA researchers announced that they have developed the most promising drug yet to protect the public should a terrorist deliberately release smallpox virus. I remain confident that this is only the first of many such scientific breakthroughs by VA scientists.

VA already plays a key role in supporting Federal disaster preparedness, including maintaining pharmaceutical stockpiles, jointly administering the National Disaster Medical System, serving as primary medical back-up to the Department of Defense, and sharing medical personnel and supplies with communities whose own resources are overwhelmed. The legislation that I propose today would add another dimension to VA's role in emergency preparedness by acknowledging its expertise in developing clinical approaches to public health.

The centers authorized by this legislation would foster research by VA scientists and clinicians in the diagnosis, prevention, and treatment of illnesses or injuries that might arise from the use of terrorist weapons. These centers would encourage cooperation between VA researchers and professionals at affiliated schools of medicine and public health to bring new findings and ideas as quickly as possible to the Nation's caregivers. The legislation that I have proposed would promote fruitful collaboration between VA, academic, and other Federal researchers, so that we can integrate research, public health, and domestic security efforts expeditiously.

The legislation I introduce today also makes two changes in law which affect VA's non-profit research corporations. These two changes are technical in nature and are designed to clarify existing provisions of law: one clarifies that research corporation employees are covered under the Federal Tort Claims Act, FTCA, and the other provision clarifies that VA Medical Centers may enter into contracts or other forms of agreements with nonprofit research corporations to provide services to facilitate VA research and education.

On the issue of FTCA coverage, a recent Department of Justice opinion determined that physicians employed by the VA-affiliated nonprofit research did not enjoy FTCA coverage, despite the fact that they have VA appointments. Prior to this opinion, the understanding was that the corporations' employees were covered, subject to a certification that their activities were within the scope of government work. Since research corporations were authorized in 1988, not a single suite has been filed against a corporation employee. Nevertheless, it is critical that employees working on VA approved research and education be protected. It is estimated that nationwide, the corporations have 1,500–2,000 research employees.

These non-profit research corporations have been placed in a difficult spot. Corporations must decide whether to take their chances that the FTCA will cover a suit despite the Department of Justice provision, as the VA General Counsel believes; to reduce their activities by only hiring employees with access to private sector insurance; to use funds normally devoted to supporting research to buy an expensive blanket insurance policy; or to close down entirely. The better choice, is to be explicit in providing FTCA coverage to corporation employees engaged in activities that further VA's research and education missions.

The second change relates to contracts between VA Medical Centers and research corporations. Many times, VA Medical Centers need help to provide services which are ancillary to research, such as travel coordination, technical services, and conference management.

I believe that a precedent for such contracts already exists. VA Medical Centers can enter into agreements with closely affiliated universities. For more than 50 years, the VAMCs and universities have contracted with each other for goods and services. In my view, we need to bring this kind of thinking to the non-profit research corporations.

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. 2132

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

SECTION 1. MEDICAL EMERGENCY PREPAREDNESS CENTERS IN VETERANS HEALTH ADMINISTRATION.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 of title 38, United States Code, is amended by inserting after section 7320 the following new section:

''§ 7320A. Medical emergency preparedness centers

''(a) The Secretary shall establish and maintain within the Veterans Health Administration four centers for research and activities on medical emergency preparedness.

''(b) The purposes of each center established under subsection (a) shall be as follows:

''(1) To carry out research on the detection, diagnosis, prevention, and treatment of injuries, diseases, and illnesses arising from the use of chemical, biological, radiological, or incendiary or other explosive weapons or devices, including the development of methods for the detection, diagnosis, prevention, and treatment of such injuries, diseases, and illnesses.

''(2) To provide to health-care professionals in the Veterans Health Administration education, training, and advice on the treatment of the medical consequences of the use of chemical, biological, radiological, or incendiary or other explosive weapons or devices.

''(3) Upon the direction of the Secretary, to provide education, training, and advice described in paragraph (2) to health-care professionals outside the Department through the National Disaster Medical System or through interagency agreements entered into by the Secretary for that purpose.

''(4) In the event of a national emergency, to provide such laboratory, epidemiological, medical, or other assistance as the Secretary considers appropriate to Federal, State, and local health care agencies and personnel involved in or responding to the national emergency.

''(c)(1) Each center established under subsection (a) shall be established at an existing Department medical center, whether at the Department medical center alone or at a Department medical center acting as part of a consortium of Department medical centers for purposes of this section.

''(2) The Secretary shall select the sites for the centers from among competitive proposals that are submitted by Department medical centers seeking to be sites for such centers.

''(3) The Secretary may not select a Department medical center as the site of a center unless the proposal of the Department medical center under paragraph (2) provides for—

''(A) an arrangement with an accredited affiliated medical school and an accredited affiliated school of public health (or a consortium of such schools) under which physicians and other health care personnel of such schools receive education and training through the Department medical center;

''(B) an arrangement with an accredited graduate program of epidemiology under which students of the program receive education and training in epidemiology through the Department medical center; and

''(C) the capability to attract scientists who have made significant contributions to innovative approaches to the detection, diagnosis, prevention, and treatment of injuries, diseases, and illnesses arising from the use of chemical, biological, radiological, or incendiary or other explosive weapons or devices.

''(4) In selecting sites for the centers, the Secretary shall—

''(A) utilize a peer review panel (consisting of members with appropriate scientific and clinical expertise) to evaluate proposals submitted under paragraph (2) for scientific and clinical merit; and

''(B) to the maximum extent practicable, ensure the geographic dispersal of the sites throughout the United States.

(d)(1) Each center established under subsection (a) shall be administered jointly by the offices within the Department that are responsible for directing research and for directing medical emergency preparedness.

''(2) The Secretary and the heads of the agencies concerned shall take appropriate actions to ensure that the work of each center is carried out—

''(A) in close coordination with the Department of Defense, Department of Health and Human Services, Office of Homeland Security, and other departments, agencies, and elements of the Federal Government charged with coordination of plans for United States homeland security; and

''(B) in accordance with any applicable recommendations of any joint interagency advisory groups or committees designated to coordinate Federal research on weapons of mass destruction.

''(e)(1) Each center established under subsection (a) shall be staffed by officers and employees of the Department.

''(2) Subject to the approval of the head of the department or agency concerned and the Director of the Office of Personnel Management, an officer or employee of another department or agency of the Federal Government may be detailed to a center if the detail will assist the center in carrying out activities under this section. Any detail under this paragraph shall be on a non-reimbursable basis.

''(f) In addition to any other activities under this section, a center established under subsection (a) may, upon the request of the agency concerned and with the approval of the Secretary, provide assistance to Federal, State, and local agencies (including criminal and civil investigative agencies) engaged in investigations or inquiries intended to protect the public safety or health or otherwise obviate threats of the use of a chemical, biological, radiological, or incendiary or other explosive weapon or device.

''(g) Notwithstanding any other provision of law, each center established under subsection (a) may, with the approval of the Secretary, solicit and accept contributions of funds and other resources, including grants, for purposes of the activities of such center under this section.''.

(2) The table of sections at the beginning of chapter 73 of title 38, United States Code, is amended by inserting after the item relating to section 7320 the following new item:

''7320A. Medical emergency preparedness centers.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—(1) There is hereby authorized to be appropriated for the Department of Veterans Affairs amounts for the centers established under section 7320A of title 38, United States Code (as added by subsection (a)), $20,000,000 for each of fiscal years 2003 through 2007.

(2) The amount authorized to be appropriated by paragraph (1) is not authorized to be appropriated for the Veterans Health Administration for Medical Care, but is authorized to be appropriated for the Administration separately and solely for purposes of the centers referred to in that paragraph.

(3) Of the amount authorized to be appropriated by paragraph (1) for a fiscal year, $5,000,000 shall be available for such fiscal year for each center referred to in that paragraph.

SEC. 2. MODIFICATION OF AUTHORITIES ON RESEARCH CORPORATIONS.

(a) RESTATEMENT AND ENHANCEMENT OF AUTHORITY ON AVAILABILITY OF FUNDS.—Section 7362 of title 38, United States Code, is amended—

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

(2) by striking the second sentence of subsection (a); and

(3) by inserting after subsection (a) the following new subsection (b):

''(b)(1) Any funds, other than funds appropriated for the Department, that are received by the Secretary for the conduct of research or education and training may be transferred to and administered by a corporation established under this subchapter for the purposes set forth in subsection (a).

''(2) Funds appropriated for the Department are available for the conduct of research or education and training by a corporation, but only pursuant to the terms of a contract or other agreement between the Department and such corporation that is entered into in accordance with applicable law and regulations.''.

(b) TREATMENT OF CORPORATIONS AS AFFILIATED INSTITUTIONS FOR SHARING OF HEALTH-CARE RESOURCES.—Section 8153(a)(3) of that title is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subsections (D), (E), and (F), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) If the health-care resource required is research or education and training (as that term is defined in section 7362(c) of this title) and is to be acquired from a corporation established under subchapter IV of chapter 73 of this title, the Secretary may make arrangements for acquisition of the resource without regard to any law or regulation (including any Executive order, circular, or other administrative policy) that would otherwise require the use of competitive procedures for acquiring the resource.'';

(3) in subparagraph (D), as so redesignated, by striking ''(A) or (B)'' and inserting ''(A), (B), or (C)''; and

(4) in subparagraph (E), as so redesignated, by striking ''(A)'' and inserting ''(A) or (B)''.

SEC. 3. COVERAGE OF RESEARCH CORPORATION PERSONNEL UNDER FEDERAL TORT CLAIMS ACT AND OTHER TORT CLAIMS LAWS.

(a) IN GENERAL.—Subchapter IV of chapter 73 of title 38, United States Code, is amended by inserting after section 7364 the following new section:

''§ 7364A. Coverage of employees under certain Federal tort claims laws

''(a) An employee of a corporation established under this subchapter who is described by subsection (b) shall be considered an employee of the government, or a medical care employee of the Veterans Health Administration, for purposes of the following provisions of law:

''(1) Section 1346(b) of title 28.

''(2) Chapter 171 of title 28.

''(3) Section 7316 of this title.

''(b) An employee described in this subsection is an employee who—

''(1) has an appointment with the Department, whether with or without compensation;

''(2) is directly or indirectly involved or engaged in research or education and training that is approved in accordance with procedures established by the Under Secretary for Health for research or education and training carried out with Department funds; and

''(3) performs such duties under the supervision of Department personnel.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of that title is amended by inserting after the item relating to section 7364 the following new item:

''7364A. Coverage of employees under certain Federal tort claims laws.''.

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

S. 2133. A bill to suspend temporarily the duty on Dichlorobenzidine Dihydrochloride; to the Committee on Finance.

● Mr. DeWINE. Mr. President, I rise today to join my friend and colleague, Senator VOINOVICH, to introduce legislation that would temporarily suspend the import duty on Dichlorobenzidine, DCB.

DCB is a chemical used to produce organic pigments for printing ink. It is reacted with other materials to form various yellow organic pigments. These yellow pigments are used extensively by the printing ink industry because yellow is one of the three primary colors used in printing and is used in nearly all color printing applications. DCB also is used to produce certain red and orange pigments.

The U.S. printing ink industry is facing increasingly aggressive competition from low-cost foreign producers. Despite its widespread use, DCB is no longer produced in the United States and is unlikely to be produced here in the foreseeable future. Domestic manufacturers of synthetic organic pigments must import all of the DCB required for their production of yellow pigment. These imports are currently subject to high duties despite the fact that there is no longer a domestic DCB industry to protect.

Our duty suspension bill would help U.S. producers remain competitive in the global market, and it would remove unnecessary costs on U.S. pigment, ink, and printing industries and on millions of consumers of printed products.

Though our bill is quite simple, its effects would be widespread. It would suspend the duty on DCB, therefore eliminating a significant and unnecessary cost for U.S. pigment producers. That action, by itself, would have a significant positive impact on our domestic industry

I urge my colleagues to join us in support of this legislative effort.●

By Mr. HARKIN (for himself, Mr. ALLEN, Mr. SMITH of New Hampshire, Mr. SCHUMER, Mr. NICKLES, Mrs. CLINTON, Mr. WARNER, Ms. MIKULSKI, Mr. BURNS, and Mr. CRAIG):

S. 2134. A bill to allow American victims of state sponsored terrorism to received compensation from blocked assets of those states; to the Committee on the Judiciary.

● Mr. HARKIN. Mr. President, I am very pleased to be joined by my Republican colleague, Senator GEORGE ALLEN of Virginia, in introducing the Terrorism Victim's Access to Compensation Act of 2002. Senators BOB SMITH of New Hampshire, SCHUMER, NICKLES,

CLINTON, WARNER, MIKULSKI, BURNS, and CRAIG are also original co-sponsors of this much-needed, bipartisan legislation.

The war against terrorism must be fought and won on multiple fronts. And we cannot forget that terrorist acts are ultimately stories of human tragedy. The dedicated, professional woman from Iowa, Kathryn Koob, seeking to build cross-cultural ties between the Iranian people and the American people only to be held captive for 444 days in the U.S. Embassy in Tehran. The teenage boy from Iowa, Taleb Subh, visiting family in Kuwait, terrorized by Saddam Hussein at the outbreak of the Persian Gulf War. The U.S. aid worker from Virginia, Charles Hegna, tortured and killed in 1984 by Iranian-backed hijackers in order ''to punish'' the United States. These are only a few of the people we know; Americans in all 50 States have suffered. What do we say to these families, the wives, mothers and fathers, sons and daughters?

We believe that those who sponsor as well as those who commit these inhumane acts must pay a price. In 1996, the Congress passed a significant law without partisan divide, and with the support of the U.S. State Department. This law allows Americans to pursue justice in U.S. Federal courts. The idea behind this law is to make the terrorists and their sponsors pay an immediate price for attacks against Americans abroad. For example, the money of foreign sponsors of terrorism and their agents that we hold here in the United States could be used to compensate innocent Americans who are victimized by their attacks for their pain, suffering and losses. Make the bad guys pay.

This law only applies to ''terrorist states'', currently a list of seven foreign governments officially designated as state sponsors of terrorism (i.e. Iran, Iraq, Libya, Syria, Sudan, North Korea, and Cuba). It is those state sponsors of international terrorism, not the American taxpayer, who must be compelled to pay these costs first and foremost.

Currently, the U.S. Treasury Department lawfully controls at least $3.7 billion in blocked or frozen assets of these seven state sponsors of terrorism. But officials of the U.S. Treasury and State Departments oppose using these funds to compensate American victims of terrorism who have brought lawsuits in Federal courts, won their cases on the merits, and secured court-ordered judgments and compensation awards against the rogue governments that are responsible for the attacks upon them and their families. To summarize, these American victims have been encouraged to pursue justice in U.S. Federal courts, have complied with existing U.S. law, but have been denied what little justice they were encouraged to pursue. Unelected bureaucrats, instead, want American taxpayers apparently to foot the bill for what could amount to hundreds of millions of dollars. In fact, in the pending case involving the 53 Americans taken hostage in the U.S. Embassy in Iran in 1979 and held in captivity for 444 days and their families, U.S. Justice and State Department attorneys have gone into Federal court in recent months to have their lawsuit dismissed in its entirety, thus de facto siding with the Government of Iran.

This policy is wrong-headed and counterproductive for at least three reasons.

First, paying American victims of terrorism from the blocked and frozen assets of these rogue governments and their agents will really punish and impose a heavy cost on those aiding and abetting the terrorists; this tougher policy will provide a new, powerful disincentive for any foreign government to continue sponsoring terrorist attacks on Americans, while also discouraging any regimes tempted to get into the ugly business of sponsoring future terrorist attacks.

Second, making the state sponsors actually lose billions of dollars will more effectively deter future acts of terrorism than keeping their assets blocked or frozen in perpetuity in pursuit of the delusion that long-standing, undemocratic, brutish governments like those in Iran and Iraq can be moderated.

Third, the American wives, husbands, sons, and daughters will have a sense of justice, they will have the public condemnation by the U.S. Government and statement of guilt, but they will have also made those terrorists responsible for the attacks and their sponsors pay a price.

In his last days in office, former President Clinton signed a law endorsing a policy of paying American victims of terrorism from blocked assets, while simultaneously signing a waiver of the means to make this policy work. But the Bush administration hasn't registered an opinion yet on this crucial test of our nation's resolve to fight state-sponsored terrorism. That is why we are pushing bipartisan legislation to establish two new policy cornerstones in our Nation's war against terrorism. First, we seek to require that compensation be paid from the blocked and frozen assets of the state sponsors of terrorism in cases where American victims of terrorism secure a final judgment in our Federal courts and are awarded compensation accordingly. Second, we will provide a level playing field for all American victims of state-sponsored terrorism who are pursuing redress by providing equal access to our federal courts.

American victims of state-sponsored terrorism deserve and want to be compensated for their losses from those who perpetrated the attacks upon them. The Congress should clear the way for them to get some satisfaction of court-ordered judgments and, in so doing, deter future acts of state-sponsored terrorism against innocent Americans.

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. 2134

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 ''Terrorism Victim's Access to Compensation Act of 2002''.

SEC. 2. FINDINGS.

Congress finds that:

(1) The war against international terrorism must be fought and won on multiple fronts.

(2) The state sponsors of international terrorism (including their agencies and instrumentalities) are ultimately responsible for the damages, pain, and suffering inflicted upon Americans who are victimized by terrorist acts. It is the state sponsors, not the American taxpayer, who must be compelled to pay those costs.

(3) The Secretary of the Treasury lawfully controls billions of dollars in blocked assets of several governments which the President and the Department of State have determined to be state sponsors of international terrorism and responsible for multiple terrorist attacks on United States citizens abroad.

(4) There have been multiple Federal lawsuits brought since 1996 by American victims of state sponsored terrorism abroad and final judgments and financial awards in some of those cases have been paid appropriately by using some of the blocked assets of state sponsors of terrorism. Additional cases are still pending.

(5) Paying victims of state sponsored terrorism from the blocked assets of state sponsors of acts of terrorism (including their agencies and instrumentalities) will punish those entities, deter future acts of terrorism, and provide a powerful incentive for any foreign government to stop sponsoring terrorist attacks on Americans.

(6) There must be a level playing field for all American victims of state sponsored terrorism who are pursuing redress in the Federal courts and compensation from the blocked assets of state sponsors of terrorism (including their agencies and instrumentalities).

SEC. 3. SENSE OF THE SENATE.

Considering the policy set forth in this Act, the Antiterrorism and Effective Death Penalty Act of 1996, and in the Victims of Trafficking and Violence Protection Act of 2000, it is the sense of Congress that it should be the policy of the United States—

(1) to use the blocked assets of state sponsors of acts of terrorism (including their agencies and instrumentalities) that are under the control of the Secretary of the Treasury to pay court-ordered judgments and awards made to United States nationals harmed by such acts; and

(2) to provide equal access to all United States victims of state sponsored terrorism who have secured judgments and awards in Federal courts against state sponsors of terrorism (including their agencies and instrumentalities) and that those judgments and awards be paid by state sponsors of terrorism (including their agencies and instrumentalities) from any of their blocked assets controlled by the Secretary of the Treasury.

SEC. 4. SATISFACTION OF JUDGMENTS FROM BLOCKED ASSETS OF TERRORISTS, TERRORIST ORGANIZATIONS, AND STATE SPONSORS OF TERRORISM.

(a) IN GENERAL.—Except as provided in subsection (b), in every case in which a person has obtained a judgment against a terrorist party on a claim for compensatory damages for an act of terrorism, or a claim for compensatory damages brought pursuant to section 1605(a)(7) of title 28, United States Code, the blocked assets of any terrorist party, or any agency or instrumentality of a terrorist party, shall be available for satisfaction of the judgment.

(b) PRESIDENTIAL WAIVER.—

(1) IN GENERAL.—Subject to paragraph (2), upon determining on an asset-by-asset basis that a waiver is necessary in the national security interest, the President may waive the requirements of subsection (a) in connection with (and prior to the enforcement of) any judicial order directing attachment or satisfaction in aid of execution of judgment, or execution of judgment, against any property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations.

(2) EXCEPTION.—A waiver under this subsection shall not apply to—

(A) property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations that has been used for any nondiplomatic purpose (including use as rental property), and the proceeds of such use; or

(B) any asset subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations that is sold or otherwise transferred for value to a third party, and the proceeds of such sale or transfer.

(c) DEFINITIONS.—In this Act:

(1) BLOCKED ASSETS.—The term ''blocked assets'' means assets seized or blocked by the United States in accordance with law.

(2) PROPERTY AND ASSETS SUBJECT TO VIENNA CONVENTIONS.—The terms ''property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations'' and ''asset subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations'' mean any property or asset, respectively, the attachment in aid of execution or execution of which may, for the limited purpose of satisfying a judgment under subsection (a), breach an obligation of the United States under the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations, as the case may be.

(3) TERRORIST PARTY.—The term ''terrorist party'' means a terrorist, a terrorist organization, or a foreign state designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) (including any agency or instrumentality of that state).

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. DASCHLE, Mr. CONRAD, Mr. THOMAS, Mr. JEFFORDS, Mr. ROCKEFELLER, Mr. BINGAMAN, Mr. HARKIN, Mr. JOHNSON, and Mr. ROBERTS):

S. 2135. A bill to amend title X of the Social Security Act to provide for a 5-year extension of the authorization for appropriations for certain Medicare rural grants; to the Committee on Finance.

● Mr. BAUCUS. Mr. President, I rise today to introduce the Rural Hospital Access and Improvement Act of 2002. I am pleased to be joined by Senators GRASSLEY, DASCHLE, THOMAS, CONRAD, JEFFORDS, ROCKEFELLER, BINGAMAN, HARKIN, JOHNSON, and ROBERTS in sponsoring this important legislation.

Simply put, this bill is about keeping small hospitals open in rural areas. It's about preserving access to quality health care for farmers and ranchers and their families. It's about protecting the health of folks who live in small towns and hamlets across our Nation.

I think these are goals that every one of us can agree on.

But the fight to preserve access to health care in rural America has never been an easy one. Hospitals in rural areas constantly struggle with the difficulties of operating in a low-volume environment. Their emergency rooms might see two or three patients a day. Or some days, none at all. They lack the economies of scale that urban and suburban facilities enjoy. They have a hard time hiring health professionals. And with every passing year, they face a growing regulatory burden that takes time and energy away from patients.

In the face of all these obstacles, many small, rural communities have confronted the unthinkable: losing their hospital altogether. I have no doubt that I speak for the vast majority of Senators when I say we should never let this happen. We should never allow a community to go without the health care services it needs to stay healthy. To borrow from the flight director of Apollo 13, I suggest that failure is not an option.

This was the message that Congress sent fives years ago, when it took two giant strides towards helping rural communities keep their hospitals. First, it passed legislation allowing small hospitals in rural and frontier areas to become Critical Access Hospitals, or CAHs. CAHs are reimbursed by Medicare based on their actual costs, not fixed or limited payments. They can organize their staff and facilities based on their patients' needs, not on rules made for large, urban facilities. In short, they are given flexibility to adapt to the unique challenges of providing health care in rural areas.

This concept was a perfect fit for rural America. In the past five years, over 500 facilities have converted to CAH status. By taking advantage of the CAH option, these hospitals have remained open and continue to serve patients. This success is not surprising. After all, the Critical Access Hospital concept was modeled on a demonstration project that had already been working for years in hospitals across Montana.

The second step Congress took in 1997 was to authorize $25 million a year for the Rural Hospital Flexibility Grant Program, or, as I like to call it, the Flex grant. This program awards grants to States to help hospitals convert to CAH status. Already, over 1,000 health care facilities have been assisted by these funds. In my State nearly half of our hospitals, about two dozen facilities, have converted to CAH status. About a dozen more are on the way.

Now the Senate has an opportunity to renew its commitment to rural health care. The legislation I have introduced today would reauthorize the Flex grant at a level of $40 million a year. This would continue the work that we have already begun, by helping hundreds more rural hospitals covert to CAH status.

In the latest count, nearly 600 hospitals across the Nation were eligible to become CAHs, but have not yet converted. By increasing the size of the Flex grant program, Congress can reach out to these facilities. At the same time, Congress will continue its support for existing CAHs by providing technical assistance and helping them access capital for their physical plants. These funds will also advance the important process of coordinating between emergency medical services providers and other health care providers in rural areas. In the wake of September 11 and the bioterrorist attacks of last fall, this work must move forward without delay.

I want to thank my colleagues for their support of the Critical Access Hospital program and the Flex grant over the past five years. Through their efforts, over 500 rural communities have kept their hospitals up and running. Now, I hope they will continue this work by supporting the Rural Hospital Access and Improvement Act of 2002 an reauthorizing the Flex grant at a level of $40 million a year.●

● Mr. THOMAS. Mr. President, I am pleased to rise today to introduce the Rural Hospital Access and Improvement Act of 2002, along with Finance Committee Chairman BAUCUS and Ranking Member GRASSLEY, in addition to other distinguished colleagues with an interest in rural health care. This legislation reauthorizes the Medicare Rural Hospital Flexibility program, known as the ''flex'' program, which has become a key component in stabilizing rural health care delivery networks.

The ''flex'' program was created in the Balanced Budget Act of 1997 to improve access to essential health care services through the establishment of Critical Access Hospitals, (CAHs), rural health networks and rural emergency medical services. To date, flex grants have provided assistance to 1,170 rural hospitals for technical assistance and education, 881 rural emergency medical services projects and 557 communities for needs assessment and community development activities. As a result, almost 600 hospitals that were on the verge of closing have been certified as Critical Access Hospitals. Over half of CAHs serve counties that are designated as a Health Professional Shortage Area. It is quite obvious that this innovative program works and merits continued congressional support.

In my State of Wyoming, the South Big Horn County Hospital District has been certified as a Critical Access Hospital and several more are interested in converting to CAH status. Additionally, my State has used flex grant dollars to shore up rural emergency medical services in many of our frontier communities.

The bill I am introducing today with several of my colleagues will continue to build upon the early success of this program by increasing the annual funding authorization from $25 million to $40 million. Additional funding is necessary to expand quality improvement initiatives within network development plans, enhance the development of rural emergency medical services and continue technical support to Critical Access Hospitals. I strongly urge all my colleagues to cosponsor this important rural health care legislation.●

By Mr. SPECTER:

S. 2136. A bill to establish a memorial in the State of Pennsylvania to honor the passengers and crewmembers of Flight 93 who, on September 11, 2001, gave their lives to prevent a planned attack on the Capitol of the United States; to the Committee on Energy and Natural Resources.

● Mr. SPECTER, Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.●

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

S. 2136

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 ''Flight 93 National Memorial Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) on September 11, 2001, passengers and crewmembers of United Airlines Flight 93 courageously gave their lives to prevent a planned attack on the Capital of the United States;

(2) thousands of people have visited the crash site since September 11, 2001, drawn by the heroic action and sacrifice of the passengers and crewmembers aboard Flight 93;

(3) many people in the United States are concerned about the future disposition of the crash site, including—

(A) grieving families of the passengers and crewmembers;

(B) the people of the region where the crash site is located; and

(C) citizens throughout the United States;

(4) many of those people are involved in the formation of the Flight 93 Task Force, a broad, inclusive organization established to provide a voice for all parties interested in and concerned about the crash site;

(5) the crash site commemorates Flight 93 and is a profound symbol of American patriotism and spontaneous leadership by citizens of the United States;

(6) a memorial of the crash site should—

(A) recognize the victims of the crash in an appropriate manner; and

(B) address the interests and concerns of interested parties; and

(7) it is appropriate that the crash site of Flight 93 be designated as a unit of the National Park System.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish a memorial to honor the passengers and crewmembers aboard United Airlines Flight 93 on September 11, 2001;

(2) to establish the Flight 93 Advisory Commission to assist in the formulation of plans for the memorial, including the nature, design, and construction of the memorial; and

(3) to authorize the Secretary of the Interior to administer the memorial, coordinate and facilitate the activities of the Flight 93 Advisory Commission, and provide technical and financial assistance to the Flight 93 Task Force.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term ''Commission'' means the Flight 93 Advisory Commission established by section (4)(b).

(2) CRASH SITE.—The term ''crash site'' means the site in Stonycreek Township, Somerset County, Pennsylvania, where United Airlines Flight 93 crashed on September 11, 2001.

(3) MEMORIAL.—The term ''Memorial'' means the memorial to the passengers and crewmembers of United Airlines Flight 93 established by section 4(a).

(4) PASSENGER OR CREWMEMBER.—

(A) IN GENERAL.—The term ''passenger or crewmember'' means a passenger or crewmember aboard United Airlines Flight 93 on September 11, 2001.

(B) EXCLUSIONS.—The term ''passenger or crewmember'' does not include a terrorist aboard United Airlines Flight 93 on September 11, 2001.

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

(6) TASK FORCE.—The term ''Task Force'' means the Flight 93 Task Force.

SEC. 4. MEMORIAL TO HONOR THE PASSENGERS AND CREWMEMBERS OF FLIGHT 93.

(a) ESTABLISHMENT.—There is established as a unit of the National Park System a memorial at the crash site to honor the passengers and crewmembers of Flight 93.

(b) ADVISORY COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission to be known as the ''Flight 93 Advisory Commission''.

(2) MEMBERSHIP.—The Commission shall be composed of—

(A) the Director of the National Park Service; and

(B) 14 members, appointed by the Secretary, from among persons recommended by the Task Force.

(3) TERM; VACANCIES.—

(A) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—A vacancy on the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment was made.

(4) MEETINGS.—

(A) IN GENERAL.—The Commission shall meet at the call of the Chairperson or a majority of the members.

(B) FREQUENCY.—The Commission shall meet not less than quarterly.

(C) NOTICE.—Notice of meetings and the agenda for the meetings shall be published in—

(i) newspapers in and around Somerset County, Pennsylvania; and

(ii) the Federal Register.

(D) OPEN MEETINGS.—Meetings of the Commission shall be subject to section 552b of title 5, United States Code.

(5) QUORUM.—A majority of the members of the Commission shall constitute a quorum.

(6) CHAIRPERSON.—The Commission shall select a Chairperson from among the members of the Commission.

(7) DUTIES.—The Commission shall—

(A) not later than 3 years after the date of enactment of this Act, submit to the Secretary and Congress a report that contains recommendations for the planning, design, construction, and long-term management of the memorial;

(B) advise the Secretary on—

(i) the boundaries of the memorial; and

(ii) the development of a management plan for the memorial;

(C) consult with the Task Force, the State of Pennsylvania, and other interested parties, as appropriate;

(D) support the efforts of the Task Force; and

(E) involve the public in the planning and design of the memorial.

(8) POWERS.—The Commission may—

(A) make expenditures for services and materials appropriate to carry out the purposes of this section;

(B) accept donations for use in carrying out this section and for other expenses associated with the memorial, including the construction of the memorial;

(C) hold hearings and enter into contracts, including contracts for personal services;

(D) by a vote of the majority of the Commission, delegate any duties that the Commission determines to be appropriate to employees of the National Park Service; and

(E) conduct any other activities necessary to carry out this Act.

(9) COMPENSATION.—A member of the Commission shall serve without compensation, but may be reimbursed for expenses incurred in carrying out the duties of the Commission.

(10) TERMINATION.—The Commission shall terminate on the dedication of the memorial.

(c) DUTIES OF THE SECRETARY.—The Secretary shall—

(1) administer the memorial as a unit of the National Park Service in accordance with—

(A) this Act; and

(B) the laws generally applicable to units of the National Park System;

(2) provide advice to the Commission on the collection, storage, and archiving of information and materials relating to the crash or the crash site;

(3) consult with and assist the Commission in—

(A) providing information to the public;

(B) interpreting any information relating to the crash or the crash site;

(C) conducting oral history interviews; and

(D) conducting public meetings and forums;

(4) participate in the development of plans for the design and construction of the memorial;

(5) provide to the Commission—

(A) assistance in designing and managing exhibits, collections, or activities at the memorial;

(B) project management assistance for design and construction activities; and

(C) staff and other forms of administrative support;

(6) acquire from willing sellers the land or interests in land for the memorial by donation, purchase with donated or appropriated funds, or exchange; and

(7) provide the Commission any other assistance that the Commission may require to carry out this Act.

By Ms. LANDRIEU:

S. 2137. A bill to facilitate the protection of minors using the Internet from

material that is harmful to minors, and for other purposes; to the Committee on Commerce, Science, and Transportation.

● Ms. LANDRIEU. Mr. President, today I want to introduce a very important piece of legislation, the Family Privacy Protection Act. Let me just take a few minutes to explain this bill to my colleagues.

In this age of high-technology, we are blessed with many things that our ancestors did not have. Cell phones and e-mail allow us to communicate quickly. Advances in medical science are allowing our citizens to live much longer and healthier lives. And advances in computers and other equipment help make workers and businesses many times more productive. However, technology is a double-edged sword. Sometimes the bad comes with the good. This fact hit home in the most tragic way when it was learned that the September 11 hijackers had communicated through e-mail and cell phones.

As frightening as this is, it is not the only example of the problems associated with advances in technology. There are day-to-day issues that must be resolved. For instance, technology has exposed our citizens to breaches of privacy that could never have taken place before the days of the Internet and other advances.

Former Chief Justice Earl Warren once said, ''The fantastic advances in the field of communication constitute a grave danger to the privacy of the individual.'' If Chief Justice Warren were alive today to offer his remarks, he might substitute the word ''technology'' for ''communication.'' Let me give one example of an incident which highlights this fact.

In the early 1990's, a shocking thing happened to a family in Monroe, Louisiana. Monroe is a relatively small city, at least by the standards of most parts of the country, but it is the largest city in the northeastern section of my state. I want to talk about a family who lives in Monroe, the Wilsons. Susan Wilson was just an average woman with an average family.

Unfortunately, something terrible happened, which tore apart the quiet life of this family. A family friend, a former deacon at the Wilson's church, did something despicable. While the Wilson's weren't home, this man broke into their house and planted a video camera in their bathroom. The Wilson's eventually learned that, for almost 2 years, video cameras had been filming everything in their bathroom. This man filmed all of their private moments for the past years for his own sick and twisted purposes.

But even then, the family's nightmare wasn't over. You see, under Louisiana state law, and the law of most States, there was no crime under which this man could be charged for filming the family without their consent. Although he was eventually charged with unauthorized entry, there was no way to punish this man for the more serious crime he committed.

The State legislature remedied this in 1999, passing a law making video voyeurism a crime. This was thanks in large part to Susan Wilson, who spoke with the media, testified before committees—in short, give up her privacy and put her life on public display, doing everything she had to do to call attention to this problem. In short, she has sacrificed so that women such as herself will not have to experience the pain of watching the individuals who devastated their lives walk away virtually untouched by the law.

And she continues to make this sacrifice to this day. There was even a recent movie detailing Susan's story, some of my colleagues may have seen it. It aired February 6 on Lifetime, starring Angie Harmon. It was a very compelling, though obviously disturbing, film, and if my colleagues have not seen it I would urge them to do so.

Since the law was passed in Louisiana, several individuals have been prosecuted under it. Let me just give a couple of examples. Two years ago, a New Orleans man was arrested under the law after a video camera was found in his neighbor's air conditioning vent. In nearby Marrero just a couple of months before, a man was arrested for allegedly pointing a video camera in someone's window. And just before that, a man was arrested under the video voyeurism law and charged with videotaping a woman during intercourse and then trying to sell the tape. And, just over a month ago in Lafayette, LA, a man was charged for undressing a sleeping woman and videotaping her in his apartment.

This law has also be used in conjunction with laws already on the books, to give police another tool with which to charge offenders. For instance, last year in Slidell, LA, a man was charged with seven counts of video voyeurism in addition to various pornography-related charges. And in Leesville, LA, a year ago, three people, including a Sheriff's deputy, were arrested and charged with video voyeurism and juvenile pornography.

Louisiana is not the only State to pass this law, or to charge offenders with violating it. A principal in Arkansas was charged with the crime, although the charges were later dropped. And in Milwaukee, a man was arrested late last year and charged with videotaping guests in his house while they showered and undressed.

These are terrible crimes; they are a violation of privacy, and more. They strike at the very heart of one of our most cherished personal freedoms, the right to live our lives free of the fear of people watching us perform the most regular of tasks, bathing, getting dressed, or sleeping.

In the past, someone who looked in another person's window at night was called a ''Peeping Tom.'' We are not dealing with people looking in windows anymore, we are dealing with technologies like video cameras small enough to fit in an air conditioning vent. In the past, that person looking in the window could be caught by police and charged with a crime. Unfortunately, for the person who plants the camera in the air conditioning duct, as things stand now, except for a few states that have passed this type of legislation, that person can at best only be charged with a crime like unlawful entry.

This brings me to the first provision of the legislation that I am introducing today. I met with Susan last year, and promised her I would introduce Federal legislation addressing this crime. Currently, only five states have laws dealing with video voyeurism. This is one of the reasons I am here today to introduce my legislation, the Family Privacy Protection Act.

This measure contains several important provisions, but the first one I want to focus on today is the video voyeurism section. This bill will make it a Federal crime to film someone in these circumstances without their consent. The bill provides exceptions for legitimate purposes such as police investigations and security; but the bottom line is that this legislation would hold these individuals responsible for their actions.

Actress Judy Garland, speaking of her lack of privacy, once said, ''I've never looked through a keyhole without finding someone was looking back.'' How frightening it would be for all of our citizens to feel this way; that they are not safe from prying eyes in their own home.

The video voyeurism component, while important, is only one part of this bill. This bill also contains a provision to protect children from Internet websites with pornographic material. A recent study showed that 31 percent of children aged 10–17 who used the Internet have accidentally come across a pornographic website. That includes 75 percent ages 15–17.

One of the problems is that companies and individuals who have websites make money from ''hits'' by Internet users. It doesn't matter whether someone intentionally visits a website or does so on accident, it still counts as a ''hit''. So some of these companies that set up pornographic websites specifically choose names that will cause people to accidentally find them. Let me give a quick example. As I'm sure all of my colleagues know, the web address for the White House is www.whitehouse.gov. But if you make a mistake—and it's not a difficult mistake, I know many people who have made it, and type a slightly different address, www.whitehouse.com, you will access a different site altogether, a pornographic website. While I'm sure these companies are not targeting children specifically, they inevitably come across these inappropriate sites.

I have already mentioned some statistics on how many children have accidentally visited inappropriate

websites. I just want to share a few examples. An 11-year-old boy was searching for game sites, typed in ''fun.com'', and a pornographic site came up. A 15-year-old boy was looking for info on cars, did a search for ''escort'', and an escort service site came up.

And, in one of the most disturbing examples that I came across, in one instance a 15-year-old boy was doing a report on wolves, and found a site on bestiality. I just want my colleagues to imagine for a moment this happening to their son or daughter. I think we can all agree that this is something that we need to be concerned about.

The American people are certainly concerned about it. In the same Kaiser study, 84 percent of the American people worry about the availability of pornography online, and 61 percent say the government should regulate it. Sixty-one percent. And I am certain that number is much higher among parents.

That is why I believe this legislation is so important. I understand that these websites are protected by the First Amendment. This bill does not intrude upon these sites' right to free speech. Instead, it would set up a whole new domain name for pornographic material. A domain name, as my colleagues know, is the three letters at the end of the web address. Dot-com, dot-gov, dot-org, dot-net—these are all domain names. My legislation would instruct the Internet Corporation for Assigned Names and Numbers to set up a new domain name for pornographic websites. The owners of these sites would have 12 months to move their sites to the new domain.

This is a very simple yet effective method of protecting our children from these sites. A new domain would make ''filter'' programs, which screen out these pornographic sites, much more effective. It would eliminate mistakes like the whitehouse dot-gov, dot-com, problem that I mentioned earlier. And, I firmly believe this bill passes First Amendment tests for freedom of speech.

I understand that some people will not agree with me, saying that this bill does not go far enough and that this type of material should be banned altogether. But the First Amendment to the Constitution protects even material of this kind, whether or not we may agree with it. My bill would not infringe on the right of free speech, but would simply restrict where this type of speech could be presented on the Internet. As one of my constituents from Louisiana said, ''We need to put it where the people who want to see it can get to it, and the ones who don't want to see it don't have to.'' That is all this provision does.

Finally, a similar provision in the bill provides protection for children from pornographic e-mails. This language is very similar to a bill that was introduced in the House of Representatives by Congresswoman ZOE LOFGREN of California. I wanted to take a second to acknowledge Congresswoman LOFGREN for her efforts, and I hope to work with her on this initiative.

In short, the bill would require that e-mail advertisements be clearly labeled as containing sexually oriented material. We are all familiar with receive e-mails with subjects that say ''Lose weight now'' or ''You have won!'' that in reality contain pornographic material. Many of us simply delete these e-mails without look at them, knowing them to be deceptive or junk. However, it is easy to be fooled. I have received letters from several constituents who were offended, and rightly so, after opening falsely labeled e-mails.

As you can imagine, children are particularly vulnerable to this type of deceptive e-mail. In a study done for Congress by the Crimes Against Children Research Center, 25 percent of children studied were exposed to unwanted sexual pictures in the previous year. Of these exposures, 28 percent occurred by opening or clicking on an e-mail.

There is one case that upsets me in particular. A 12-year-old girl, a little girl who collects Beanie Babies, received an e-mail with a subject line saying ''Free Beanie Babies.'' As you can imagine, this excited little girl quickly opened the e-mail, only to be confronted with pictures of naked people. Again, I'd like my colleagues to stop for a moment and imagine that this was their child.

Let me just conclude with a few more facts. The Kaiser study also looked at the consequence on these children from encountering these pornographic websites and e-mails. Fifty-seven percent of those age 15–17 who were studied believed that exposure to online pornography could have a serious impact on those under 18. And 76 percent of children surveyed by Kaiser said that pornography that kids can see is a ''big problem.''

I just want to add that I am hopeful that, in the future, we can take even stronger steps to address the problem of pornographic e-mails. However, at the moment, this bill will at least ensure that Internet users, particularly children, know that an e-mail contains sexually oriented material before opening it.

I hope that my colleagues will join me in support of this important legislation. It is intended to protect our most vulnerable citizens, our children, while protecting the right of individuals to free speech. I believe this is something that we can all support.●

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 242—DESIGNATING AUGUST 16, 2002 AS ''NATIONAL AIRBORNE DAY''

Mr. THURMOND submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 242

Whereas the airborne forces of the United States Armed Forces have a long and honorable history as units of adventuresome, hardy, and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project effective ground combat power of the United States by Air Force air transport to the far reaches of the battle area and, indeed, to the far corners of the world;

Whereas August 16, 2002, marks the anniversary of the first official validation of the innovative concept of inserting United States ground combat forces behind battle lines by means of parachute;

Whereas the United States' experiment of airborne infantry attack was begun on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the United States Department of War, and was launched when 48 volunteers began training in July 1940;

Whereas the Parachute Test Platoon performed the first official Army parachute jump on August 16, 1940;

Whereas the success of the Parachute Test Platoon in the days immediately preceding the entry of the United States into World War II led to the formation of a formidable force of airborne units that, since then, have served with distinction and repeated success in armed hostilities;

Whereas among those units are the former 11th, 13th, and 17th Airborne Divisions, the venerable 82nd Airborne Division, the versatile 101st Airborne Division (Air Assault), and the airborne regiments and battalions (some as components of those divisions, some as separate units) that achieved distinction as the elite 75th Infantry (Ranger) regiment, the 173rd, 187th, 503rd, 507th, 508th, 517th, 541st, and 542nd airborne infantry regiments, the 88th Glider Infantry Battalion, and the 509th, 550th, 551st, and 555th airborne infantry battalions;

Whereas the achievements of the airborne forces during World War II provided a basis for evolution into a diversified force of parachute and air assault units that, over the years, have fought in Korea, Vietnam, Grenada, Panama, the Persian Gulf region, and Somalia, and have engaged in peacekeeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia, and Kosovo;

Whereas the modern-day airborne force that has evolved from those World War II beginnings is an agile, powerful force that, in large part, is composed of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), and the 75th Infantry (Ranger) regiment which, together with other units, comprise the quick reaction force of the Army's XVIIIth Airborne Corps when not operating separately under the command of a Commander in Chief of one of the regional unified combatant commands;

Whereas that modern-day airborne force also includes other elite forces composed entirely of airborne trained and qualified special operations warriors, including Army Special Forces, Marine Corps Reconnaissance, Navy SEALs, Air Force Combat Control Teams, Air Sea Rescue, and Airborne Engineer Aviation Battalions, all or most of which comprise the forces of the United States Special Operations Command;

Whereas, in the aftermath of the terrorist attacks on the United States on September 11, 2001, the 75th Infantry (ranger) regiment, Special Forces units, and units of the 101st Airborne Division (Air Assault), together with other units of the Armed Forces, have been prosecuting the war against terrorism, carrying out combat operations in Afghanistan, training operations in the Philippines, and other operations elsewhere;

Whereas, of the members and former members of the Nation's combat airborne forces, all have achieved distinction by earning the