

INTRODUCTION OF BILLS AND
JOINT RESOLUTIONS

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

By Mr. BUNNING (for himself, Mr. MILLER, Mr. INHOFE, Mr. NELSON of Nebraska, Mr. CRAIG, Mr. LUGAR, Mr. SANTORUM, Mr. COLEMAN, Mr. SMITH, Mr. HATCH, and Mr. CARPER):

S. 1931. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs; to the Committee on Finance.

By Mr. CORNYN (for himself, Mrs. FEINSTEIN, Mr. HATCH, Mr. SMITH, Mr. ALEXANDER, and Mr. GRAHAM of South Carolina):

S. 1932. A bill to provide criminal penalties for unauthorized recording of motion pictures in a motion picture exhibition facility, to provide criminal and civil penalties for unauthorized distribution of commercial prerelease copyrighted works, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mrs. FEINSTEIN, and Mr. CORNYN):

S. 1933. A bill to promote effective enforcement of copyrights, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 1549

At the request of Mrs. DOLE, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 1549, a bill to amend the Richard B. Russell National School Lunch Act to phase out reduced price lunches and breakfasts by phasing in an increase in the income eligibility guidelines for free lunches and breakfasts.

S. 1926

At the request of Ms. STABENOW, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1926, a bill to amend title XVIII of the Social Security Act to restore the medicare program and for other purposes.

STATEMENTS ON INTRODUCED
BILLS AND JOINT RESOLUTIONS

By Mr. BUNNING (for himself, Mr. MILLER, Mr. INHOFE, Mr. NELSON of Nebraska, Mr. CRAIG, Mr. LUGAR, Mr. SANTORUM, Mr. COLEMAN, Mr. SMITH, Mr. HATCH, and Mr. CARPER):

S. 1931. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs; to the Committee on Finance.

Mr. BUNNING. Mr. President, I rise today in celebration of National Adoption Day by introducing legislation to repeal the sunset on two current-law tax provisions that make adoption more affordable for American families.

In 2001, this Congress passed and President Bush signed into law the

Economic Growth and Tax Relief Reconciliation Act. This act contains many much needed tax relief provisions for the American people. However, because of procedural rules in the Senate, this law sunsets and expires after December 31, 2010.

The legislation I introduce today makes permanent two tax provisions contained in that law, the adoption tax credit and the exclusion for employer-provided adoption assistance benefits. If we do not pass this bill and therefore allow these provisions to sunset, then this tax credit will be cut overnight from a maximum of \$10,000 to \$5,000. Families who adopt special needs children will no longer receive a flat \$10,000 credit, and instead, they will be limited to a maximum of \$6,000. As well, families claiming the credit may be pushed into the Alternative Minimum Tax.

Today, National Adoption Day, we celebrate the adoption of over 3,000 children from foster care. There are over 542,000 kids in foster care. Of these, more than 125,000 children are waiting to be adopted permanently. We here in Congress need to continue to help these children to find loving homes. We need to make it easier for families to adopt, not throw up barriers. If the adoption tax credit is cut to the prior law level of \$5,000, many families will not be able to afford adoptions. And therefore less children will be welcomed into what they want the most, a permanent family.

Last year, the House of Representative passed this permanent extension of the adoption tax credit by a vote of 391 yeas to 1 nay. We in this Chamber failed to act. I am hopeful that my colleagues in the Senate recognize the importance of moving on this legislation to permanently extend this tax credit. The children and parents deserve to see this adoption tax credit set into law for good. This is not a partisan issue, but something all Americans can agree on. We owe it to them all.

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. 1931

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

SECTION 1. REPEAL OF APPLICABILITY OF SUNSET OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO ADOPTION CREDIT AND ADOPTION ASSISTANCE PROGRAMS.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

“(c) EXCEPTION.—Subsection (a) shall not apply to the amendments made by section 202 (relating to expansion of adoption credit and adoption assistance programs).”.

Mr. INHOFE. Mr. President, I rise today to join my colleagues in introducing this bill to repeal the provisions of the Economic Growth and Tax Relief Act of 2001 that sunset the adoption tax

credit and adoption assistance programs.

Under the current legislation, families with adopted children are given a tax credit of up to \$10,000 to cover their adoption expenses and families who adopt children with special needs are credited the full \$10,000. Providing this type of assistance is important in easing the costs of the adoption process and helping families cover expenses incurred by adopting children with special needs.

Currently, there are around 550,000 children in foster care. Of this number, 126,000 are up for adoption. In order to facilitate and expedite the adoption process, I have worked as a member of the Congressional Coalition on Adoption to encourage and support families who are willing to provide a loving, stable, and permanent home for these children. The Coalition has been active in promoting adoption around the country through a number of programs, including the National Adoption Day, a day set aside to draw attention to expediting and finalizing adoptions. In fact, Oklahoma held 20 adoptions this week in celebration of the day.

I strongly believe that it is critical to repeal the sunset provision of the Economic Growth and Tax Relief Act and continue to support those families who are making it possible for children to grow up in a loving and caring environment. As the grandfather of an adopted granddaughter, I can say through personal experience that providing a home where a child can be nurtured and given opportunities to become a contributing member of society is one of the greatest and most rewarding gifts we can ever give.

By Mr. HATCH (for himself, Mrs. FEINSTEIN, and Mr. CORNYN):

S. 1933. A bill to promote effective enforcement of copyrights, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise to introduce the Enhancing Federal Obscenity Reporting and Copyright Enforcement Act of 2003, the EnFORCE Act. This bill makes three sets of narrow, but important, changes that will build greater flexibility and accountability into our system of intellectual property laws.

First the EnFORCE Act will expand an existing antitrust exemption to conform the law to market realities. Today, an antitrust exemption in the Copyright Act gives record companies and music publishers the flexibility they need to negotiate mechanical royalty rates in the rapidly evolving market for legal music downloading. These parties now need the same flexibility to ensure that they can negotiate royalties associated with innovative forms of physical phonorecords, like enhanced compact disks and DVD audio disks.

The music industry has sometimes been criticized for being too slow to

adopt its business models to new technologies. The industry is now responding to such concerns by developing new products and new distribution channels. The EnFORCE Act will ensure that Federal law allows the music industry to provide consumers with these innovative products and services.

Second, the EnFORCE Act will also resolve two narrow issues relating to statutory damages in copyright infringement litigation. Some accused infringers have tried to avoid liability for statutory damages by challenging the accuracy of the information in copyright registrations; this bill clarifies that courts should resolve such challenges by applying the existing judicial doctrine of fraud-on-the-Copy-right-Office. In other cases, disputes have arisen about how many "works" have been infringed for purposes of computing statutory damages. These disputes are important for the music industry, which has received inconsistent adjudications about whether an album consisting of ten songs counts as one or ten works for statutory-damages computation. The bill gives courts discretion to conform the law of statutory damages to changing market realities.

Third, and finally, the EnFORCE Act will also enhance both the enforcement and oversight of federal intellectual property law. The bill authorizes appropriations to ensure that all Department of Justice units that investigate intellectual property crimes have the support of at least one agent specifically trained in the investigation of such crimes. The bill also requires the Department of Justice to report to Congress detailed information about the scope of its efforts to investigate and prosecute crimes involving the sexual exploitation of minors or intellectual property.

For the above reasons, I urge my colleagues to support the Enhancing Federal Obscenity Reporting and Copyright Enforcement Act of 2003. I look forward to working with my colleagues in the Senate and the affected public to ensure that this bill achieves its important objectives.

PRIVILEGES OF THE FLOOR

Mr. HATCH. I ask unanimous consent that Grace Becker, a detailee from the Sentencing Commission, be granted the privilege of the floor for the duration of the 108th Congress.

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Grant Menke and Brett Swearingen be granted floor privileges throughout the debate on the conference report on H.R. 1.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that Jenelle Krishnamoorthy be granted the privilege of the floor for the remainder of the debate today, and the remainder of

the debate on this Medicare conference report.

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

MEDICARE PRESCRIPTION DRUG, IMPROVEMENT, AND MODERNIZATION ACT OF 2003—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, this debate so far has been very illuminating, in a way fascinating, to see how different Members of the Senate view the bill that is before us. I hope that America's seniors are watching this debate. I hope they are listening. I hope they will make up their own minds.

There are many groups out there who are going to give their opinions, and I respect them all. But I think if you just go to the debate and you listen to all sides of it, seniors will come up with their own conclusions. As a matter of fact, I also hope people in their fifties and forties are watching this debate because many of the changes that will be made, if this bill becomes law, are going to impact people in their fifties, people in their forties.

Let's face it, Medicare is a program that impacts all families because the children of senior citizens oftentimes bear the burden, if there are health problems. Of course, they care deeply about their families.

We know that Medicare is a nationwide health plan for aged and certain disabled Americans, and it was created 40 years ago for seniors to offer them access to good quality health care. There was a huge debate at that time about whether this was the right thing to do. But people looked around and saw that our seniors were in trouble. They were spending their money on health care, didn't have anything left, oftentimes had to move in with their families. Their families had to pick up their health care bills, and it was very difficult.

This program has fulfilled its promise. Is it perfect in every way? Of course not. What program is? What corporation is? What person is? But Medicare has saved many lives and has made the golden years golden for a lot of our seniors. That is why they feel so strongly about it.

I have been listening to some of the call-in shows. I have heard seniors identify themselves as Republicans, Democrats, and Independents. They are worried about the changes that are about to hit the system, and so am I.

The one thing I think everyone agrees on is that there ought to be a prescription drug benefit. At least I think most of us believe that from both sides of the aisle. We know this cost is heavy on our seniors. We know drug prices are skyrocketing because, unfortunately and very sadly, we don't allow drug reimportation from places like Canada and Mexico, although I have to tell you that in my State, people are going to Mexico.

I received a letter from a constituent of mine from San Marcos, CA, earlier this year. She told me that her annual cost for prescription drugs this year will top \$10,000. Think about that, \$10,000. How do our seniors deal with this when they are retired?

A retired physician from Marina del Rey told me that a pill he takes for his heart disease went up 600 percent, from \$15 a month to \$85. For seniors who have to take an assortment of medicines to manage their chronic diseases, the costs really start to add up.

Very sad to say, in this bill there is virtually no cost containment. Even though the House version said reimportation from Canada was a good idea, this has not happened. We will continue to pay the highest drug prices in the world. It is very sad, indeed. The provisions on generic drugs were watered down a bit. We have some in there but not what they should be.

For all the reasons that I talked about—the fact that I feel deep compassion for my constituents who have to pay these huge sums for medicines—I voted for the Senate bill. The Senate bill left here. I thought it made some sense. So let's look at what the Senate bill did for our seniors.

It had about six things that it did that I thought were really important.

First, there was a modest benefit for seniors that were hardest hit by the costly prescription drugs. That benefit was a lot better than the benefit that is currently before us. I will go into the differences. The benefit that is before us is so weak, it barely has a pulse. It is barely worth filling out the forms. It is barely worth your time. You could probably do better if you become friendly with your pharmacy down the road. They will probably give you a better deal.

The benefit before us, unlike the benefit we voted on, is this: If you have \$5,100 worth of drug costs, you will pay \$4,020 for those drugs. In the meanwhile, you will have to figure out what are your deductibles, what are your copays, filling out the forms, being nervous, getting notified that you no longer have the drug benefit because there is a benefit shutdown, which I will get into later. So think about it. You have a \$5,000 drug bill, and you are paying \$4,000. And you are going through probably bureaucratic hell to get that thousand dollars off.

So the benefit, when we got the bill, we voted it out. I voted for it. I wanted it. It was a modest benefit but a decent benefit. It was much better than this one. We will get into that later.

Secondly, all seniors were guaranteed a Medicare prescription drug benefit if they didn't have two private plans in their area. So you had a good fallback. If you didn't have two private drug plans competing for your business, could you say: Forget this. I can go to Medicare.

Third, Medicare could have bargained for lower prescription drug costs. Now, why is this important? Just look at the