AMENDMENTS SUBMITTED AND PROPOSED

SA 2631. Mr. LEVIN proposed an amendment to the bill S. 1805, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others.

SA 2632. Mr. LAUTENBERG proposed an amendment to the bill S. 1805, supra.

SA 2633. Mr. LAUTENBERG proposed an amendment to the bill S. 1805, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG (for himself and Mr. CORZINE):

S. 2142. A bill to authorize appropriations for the New Jersey Coastal Heritage Trail Route, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. LAUTENBERG. Mr. President, I rise to introduce legislation to reauthorize the New Jersey Coastal Heritage Trail Route on behalf of myself and Senator CORZINE. This bill makes a number of important changes to legislation that was enacted in 1988 and reauthorized in 1994 and 1999.

The original legislation, which I cosponsored, called for a route that links nationally significant natural and cultural sites associated with the coastal area of New Jersey. The New Jersey Coastal Heritage Trail runs south for nearly 300 miles from Perth Amboy along the Atlantic Ocean to Cape May, then west along the Delaware Bay to the Delaware Memorial Bridge. Along the way are sites like the Barnegat Bay Decoy and Baymen's Museum, the Cape May Migratory Bird Refuge, and the Sandy Hook Unit of the Gateway National Recreation Area.

Five theme trails, of which three are open, are planned to showcase different aspects of New Jersey coastal life: maritime history, coastal habitats, wildlife migration, historic settlements, and relaxation/inspiration. The Trail is operated by a partnership that includes the National Park Service, the State of New Jersey, local communities, and private non-profit organizations. Fifty percent of the funding for the Trail is provided from non-federal funds.

My legislation raises the funding authorization for the New Jersey Coastal Heritage Trail to $8 million, doubling the current authorization of $4 million. The legislation also: extends the deadline for project completion by 5 years to May 4, 2009; allows funds to be used for grants in addition to technical assistance; and requires the National Park Service to prepare a strategic plan for the long-term maintenance of this coastal route. A companion bill, H.R. 3070, has been introduced in the House by Congressman LOBIONDO, with cosponsorship by the entire New Jersey delegation.

New Jersey has a long shoreline of which we are extremely proud. This bill will provide the necessary resources and strategic planning to ensure that the New Jersey Coastal Heritage Trail fulfills its promise to the people of my home State and to visitors from around the world. The additional funding authorized in this bill will support: 1. Creation of a long-term strategic plan on the roles of the National Park Service and other Trail partners; 2. Development of two remaining theme trails (historic settlements and relaxation/inspiration); 3. Development of interpretive media such as videos, brochures and exhibits; 4. Technical assistance for the State park system, wildlife management, and historic and cultural sites; 5. Construction of a New Jersey State Park Service facility on the trail at Double Trouble State Park in the Barnegat Bay Region; 6. Continuing work on a welcome center at Sandy Hook; and 7. Construction of a welcome center in the Absecon region.

I urge my colleagues to support this legislation, which is needed to assure that funding for this valuable undertaking will continue to be authorized after May 2004.

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. 2142

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

SECTION 1. NEW JERSEY COASTAL HERITAGE TRAIL ROUTE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 6 of Public Law 100–515 (16 U.S.C. 1244 note) is amended—

(1) in subsection (b)(1), by striking ''$4,000,000'' and inserting ''$8,000,000''; and

(2) in subsection (c), by striking ''10'' and inserting ''15''.

(b) GRANTS.—Public Law 100–515 (16 U.S.C. 1244 note) is amended—

(1) in section 4, by inserting ''and, subject to the availability of appropriations, grants for,'' after ''technical assistance in''; and

(2) in section 6(b)(2) by inserting ''and grants'' after ''technical assistance''.

(c) STRATEGIC PLAN.—Public Law 100–515 (16 U.S.C. 1244 note) is amended by adding at the end the following:

''SEC. 8. STRATEGIC PLAN.

''(a) IN GENERAL—Not later than 4 years after the date of the enactment of this section, the Secretary shall prepare a strategic plan for the route.

''(b) CONTENTS.—The strategic plan prepared under subsection (a) shall describe—

''(1) opportunities to increase participation by national and local private and public interests in the planning, development, and administration of the route; and

''(2) organizational options for sustaining the route.''.

By Mr. DURBIN:

S. 2143. A bill to extend trade adjustment assistance to service workers; to the Committee on Finance.

Mr. DURBIN. Mr. President, today, I am introducing the Service Workers Fairness Act to provide aid for American workers facing a disturbing new trend: the offshore outsourcing of service jobs.

Congress first established Trade Adjustment Assistance (TAA) in 1962, in recognition that international trade can harm our workers. The program was overhauled in 1974, and since then, it has offered extended unemployment compensation benefits and job training for workers who lose their manufacturing jobs due to import competition.

Over the past decade, Congress has shown its willingness to adapt to increasing globalization by modernizing TAA. For example, in 1993, with the adoption of the North American Free Trade Agreement, we added a provision to offer those same unemployment and job training benefits to workers whose manufacturing jobs were relocated to Canada or Mexico. Most recently, when the program was reauthorized in 2002, we expanded eligibility once again. The program now includes workers whose manufacturing jobs have been relocated to certain countries other than Canada or Mexico. It also now provides assistance to certain secondary workers who have lost their manufacturing jobs as suppliers or downstream producers to firms that have been affected by trade or plant relocation.

Despite these changes, one factor has remained constant: Trade Adjustment Assistance is only available to workers in the manufacturing sector. If a service sector employee's job has been outsourced to a foreign country, he or she is not eligible for TAA because the performance of services is not considered production of an ''article,'' as required by the law.

I can understand why the law was written that way—until recently, we believed that our service jobs were not put at risk by international trade. But now, unfortunately, we know this is no longer the case. Hundreds of thousands of service sector jobs already have been outsourced to other countries, including China and India. A report by Forrester Research predicts that 3.3 million service jobs will be outsourced by the year 2015—and some economists believe that forecast is conservative. Last fall, the Fisher Center for Real Estate and Urban Economics at the University of California, Berkeley, estimated that more than 14 million service jobs are ''at risk to outsourcing''—that is 11 percent of all jobs.

That is the outer limit of service jobs at risk, but it demonstrates that this issue will reach far beyond the software programmers and call centers that are receiving attention today. The Fisher Center report notes that the jobs being created in India and elsewhere also include the following service sectors: geographic information systems services for insurance companies; stock market research for financial firms; medical transcription services; legal online database research; data analysis for consulting firms; and payroll and other back-office related activities.

In fact, the offshore outsourcing of service jobs likely will grow at a much

faster rate than the manufacturing outsourcing we have witnessed over the past two decades because there is an enormous cost differential in the wages of well-educated workers here and abroad. For example, the hourly wage for telephone operators in the United States is $12.57, while it is less than $1.00 in India. The hourly wage for legal assistants and paralegals in the United States is $17.86, compared to $6.00 to $8.00 in India. Accountants in the United States earn $23.35 per hour, while those in India earn $6.00 to $15.00 per hour. Finally, financial researchers and analysts in the United States earn $33.00 to $35.00 per hour, while those in India earn only $6.00 to $15.00 per hour.

The offshore outsourcing of service jobs already is having an impact on our economy. For example, it may be one reason that the recent increase in the unemployment rate is larger for highly-educated workers. From 2000 to 2003, total unemployment for workers with at least a bachelor's degree increased by 95 percent, compared to a 40 percent increase for workers with a high school diploma or less. Statistics for long-term unemployment—representing workers who have been unemployed for more than six months—are similar. From 2000 to 2003, long term unemployment for workers with at least a bachelor's degree increased by 299 percent, compared to an increase of 156 percent for workers with a high school diploma or less.

The offshore outsourcing of service jobs also may help explain why the few jobs that have been created since the recession officially ended in November 2001 have been primarily in low-paying sectors.

The question before us today is: How should Congress respond to this new facet of globalization and how can we aid these hundreds of thousands—and eventually millions—of service workers whose jobs have been outsourced?

Although there are broader trade issues that we should examine over time, there is one thing we can and should do now, and that is extend Trade Adjustment Assistance to these service employees. The service-providing sector provides more than 86 million jobs and accounts for more than half of our total GDP. We must extend the same helping hand to these men and women when their jobs are outsourced as we do to workers in the manufacturing sector.

Trade Adjustment Assistance not only provides additional unemployment compensation benefits. Just as importantly, it provides training to help workers find jobs at a similar or higher skill level, including classroom training, on-the-job training, and customized employer-based training. TAA also provides reemployment services, including employment counseling, case assessment, job development, and supportive services.

The bill I am introducing today, the Service Workers Fairness Act, would provide TAA eligibility to laid-off service workers whose firm shifts the work for the same or directly competitive services to a foreign country. It also would cover contract service workers whose contracts have been shifted overseas. Finally, my bill would extend the current provisions for adversely affected secondary workers to those who provide services.

Last week, Federal Reserve Chairman Alan Greenspan noted that ''rigorous education and ongoing training'' are critical in ensuring that as many Americans as possible can benefit from increased globalization.

My bill would provide this education and training to service workers whose jobs are outsourced abroad. I urge my colleagues to join me in support of this important legislation.

By Mr. BURNS (for himself, Mr. WYDEN, and Mrs. BOXER):

S. 2145. A bill to regulate the unauthorized installation of computer software, to require clear disclosure to computer users of certain computer software features that may pose a threat to user privacy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BURNS. 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. 2145

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 ''Software Principles Yielding Better Levels of Consumer Knowledge Act'' or the ''SPY BLOCK Act''.

SEC. 2. UNAUTHORIZED INSTALLATION OF COMPUTER SOFTWARE.

(a) NOTICE, CHOICE, AND UNINSTALL PROCEDURES.—It is unlawful for any person who is not the user of a protected computer to install computer software on that computer, or to authorize, permit, or cause the installation of computer software on that computer, unless—

(1) the user of the computer has received notice that satisfies the requirements of section 3;

(2) the user of the computer has granted consent that satisfies the requirements of section 3; and

(3) the computer software's uninstall procedures satisfy the requirements of section 3.

(b) RED HERRING PROHIBITION.—It is unlawful for any person who is not the user of a protected computer to install computer software on that computer, or to authorize, permit, or cause the installation of computer software on that computer, if the design or operation of the computer software is intended, or may reasonably be expected, to confuse or mislead the user of the computer concerning the identity of the person or service responsible for the functions performed or content displayed by such computer software.

SEC. 3. NOTICE, CONSENT, AND UNINSTALL REQUIREMENTS.

(a) NOTICE.—For purposes of section 2(a)(1), notice to the user of a computer shall—

(1) include a clear notification, displayed on the screen until the user either grants or denies consent to installation, of the name and general nature of the computer software that will be installed if the user grants consent; and

(2) include a separate disclosure, with respect to each information collection, advertising, distributed computing, and settings modification feature contained in the computer software, that—

(A) remains displayed on the screen until the user either grants or denies consent to that feature;

(B) in the case of an information collection feature, provides a clear description of—

(i) the type of personal or network information to be collected and transmitted by the computer software; and

(ii) the purpose for which the personal or network information is to be collected, transmitted, and used;

(C) in the case of an advertising feature, provides—

(i) a representative example of the type of advertisement that may be delivered by the computer software;

(ii) a clear description of—

(I) the estimated frequency with which each type of advertisement may be delivered; or

(II) the factors on which the frequency will depend; and

(iii) a clear description of how the user can distinguish each type of advertisement that the computer software delivers from advertisements generated by other software, Internet website operators, or services;

(D) in the case of a distributed computing feature, provides a clear description of—

(i) the types of information or messages the computer software will cause the computer to transmit;

(ii)(I) the estimated frequency with which the computer software will cause the computer to transmit such messages or information; or

(II) the factors on which the frequency will depend;

(iii) the estimated volume of such information or messages, and the likely impact, if any, on the processing or communications capacity of the user's computer; and

(iv) the nature, volume, and likely impact on the computer's processing capacity of any computational or processing tasks the computer software will cause the computer to perform in order to generate the information or messages the computer software will cause the computer to transmit;

(E) in the case of a settings modification feature, provides a clear description of the nature of the modification, its function, and any collateral effects the modification may produce; and

(F) provides a clear description of procedures the user may follow to turn off such feature or uninstall the computer software.

(b) CONSENT.—For purposes of section 2(a)(2), consent requires—

(1) consent by the user of the computer to the installation of the computer software; and

(2) separate affirmative consent by the user of the computer to each information collection feature, advertising feature, distributed computing feature, and settings modification feature contained in the computer software.

(c) UNINSTALL PROCEDURES.—For purposes of section 2(a)(3), computer software shall—

(1) appear in the ''Add/Remove Programs'' menu or any similar feature, if any, provided by each operating system with which the computer software functions;

(2) be capable of being removed completely using the normal procedures provided by each operating system with which the computer software functions for removing computer software; and

(3) in the case of computer software with an advertising feature, include an easily identifiable link clearly associated with each advertisement that the software causes to be displayed, such that selection of the link by the user of the computer generates an on-screen window that informs the user about how to turn off the advertising feature or uninstall the computer software.

SEC. 4. UNAUTHORIZED USE OF CERTAIN COMPUTER SOFTWARE.

It is unlawful for any person who is not the user of a protected computer to use an information collection, advertising, distributed computing, or settings modification feature of computer software installed on that computer, if—

(1) the computer software was installed in violation of section 2;

(2) the use in question falls outside the scope of what was described to the user of the computer in the notice provided pursuant to section 3(a); or

(3) in the case of an information collection feature, the person using the feature fails to establish and maintain reasonable procedures to protect the security and integrity of personal information so collected.

SEC. 5. EXCEPTIONS.

(a) PREINSTALLED SOFTWARE.—A person who installs, or authorizes, permits, or causes the installation of, computer software on a protected computer before the first retail sale of the computer shall be deemed to be in compliance with this Act if the user of the computer receives notice that would satisfy section 3(a)(2) and grants consent that would satisfy section 3(b)(2) prior to—

(1) the initial collection of personal or network information, in the case of any information collection feature contained in the computer software;

(2) the initial generation of an advertisement on the computer, in the case of any advertising feature contained in the computer software;

(3) the initial transmission of information or messages, in the case of any distributed computing feature contained in the computer software; and

(4) the initial modification of user settings, in the case of any settings modification feature.

(b) OTHER EXCEPTIONS.—Sections 3(a)(2), 3(b)(2), and 4 do not apply to any feature of computer software that is reasonably needed to—

(1) provide capability for general purpose online browsing, electronic mail, or instant messaging, or for any optional function that is directly related to such capability and that the user knowingly chooses to use;

(2) determine whether or not the user of the computer is licensed or authorized to use the computer software; and

(3) provide technical support for the use of the computer software by the user of the computer.

(c) PASSIVE TRANSMISSION, HOSTING, OR LINK.—For purposes of this Act, a person shall not be deemed to have installed computer software, or authorized, permitted, or caused the installation of computer software, on a computer solely because that person provided—

(1) the Internet connection or other transmission capability through which the software was delivered to the computer for installation;

(2) the storage or hosting, at the direction of another person and without selecting the content to be stored or hosted, of the software or of an Internet website through which the software was made available for installation; or

(3) a link or reference to an Internet website the content of which was selected and controlled by another person, and through which the computer software was made available for installation.

(d) SOFTWARE RESIDENT IN TEMPORARY MEMORY.—In the case of an installation of computer software that falls within the meaning of section 7(10)(B) but not within the meaning of section 7(10)(A), the requirements set forth in subsections (a)(1), (b)(1), and (c) of section 3 shall not apply.

(e) FEATURES ACTIVATED BY USER OPTIONS.—In the case of an information collection, advertising, distributed computing, or settings modification feature that remains inactive or turned off unless the user of the computer subsequently selects certain optional settings or functions provided by the computer software, the requirements of subsections (a)(2) and (b)(2) of section 3 may be satisfied by providing the applicable disclosure and obtaining the applicable consent at the time the user selects the option that activates the feature, rather than at the time of initial installation.

SEC. 6. ADMINISTRATION AND ENFORCEMENT.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall be enforced by the Commission as if the violation of this Act were an unfair or deceptive act or practice proscribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) ENFORCEMENT BY CERTAIN OTHER AGENCIES.—Compliance with this Act shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), in the case of—

(A) national banks, and Federal branches and Federal agencies of foreign banks, by the Office of the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act (12 U.S.C. 601 and 611), by the Board; and

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) and insured State branches of foreign banks, by the Board of Directors of the Federal Deposit Insurance Corporation;

(2) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), by the Director of the Office of Thrift Supervision, in the case of a savings association the deposits of which are insured by the Federal Deposit Insurance Corporation;

(3) the Federal Credit Union Act (12 U.S.C. 1751 et seq.) by the National Credit Union Administration Board with respect to any Federal credit union;

(4) part A of subtitle VII of title 49, United States Code, by the Secretary of Transportation with respect to any air carrier or foreign air carrier subject to that part;

(5) the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) (except as provided in section 406 of that Act (7 U.S.C. 226, 227)), by the Secretary of Agriculture with respect to any activities subject to that Act; and

(6) the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) by the Farm Credit Administration with respect to any Federal land bank, Federal land bank association, Federal intermediate credit bank, or production credit association.

(c) EXERCISE OF CERTAIN POWERS.—For the purpose of the exercise by any agency referred to in subsection (b) of its powers under any Act referred to in that subsection, a violation of this Act is deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (b), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this Act, any other authority conferred on it by law.

(d) ACTIONS BY THE COMMISSION.—The Commission shall prevent any person from violating this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any entity that violates any provision of that section is subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of that section.

(e) PRESERVATION OF COMMISSION AUTHORITY.—Nothing contained in this section shall be construed to limit the authority of the Commission under any other provision of law.

SEC. 7. ACTIONS BY STATES.

(a) IN GENERAL.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in a practice that this Act prohibits, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction—

(A) to enjoin that practice;

(B) to enforce compliance with the rule;

(C) to obtain damage, restitution, or other compensation on behalf of residents of the State; or

(D) to obtain such other relief as the court may consider to be appropriate.

(2) NOTICE.—

(A) IN GENERAL.—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Commission—

(i) written notice of that action; and

(ii) a copy of the complaint for that action.

(B) EXEMPTION.—

(i) IN GENERAL.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general determines that it is not feasible to provide the notice described in that subparagraph before the filing of the action.

(ii) NOTIFICATION.—In an action described in clause (i), the attorney general of a State shall provide notice and a copy of the complaint to the Commission at the same time as the attorney general files the action.

(b) INTERVENTION.—

(1) IN GENERAL.—On receiving notice under subsection (a)(2), the Commission shall have the right to intervene in the action that is the subject of the notice.

(2) EFFECT OF INTERVENTION.—If the Commission intervenes in an action under subsection (a), it shall have the right—

(A) to be heard with respect to any matter that arises in that action; and

(B) to file a petition for appeal.

(c) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this subtitle shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

(d) ACTIONS BY THE COMMISSION.—In any case in which an action is instituted by or on behalf of the Commission for violation of section 2 of this Act, no State may, during the pendency of that action, institute an action under subsection (a) against any defendant named in the complaint in that action for violation of that section.

(e) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

SEC. 8. DEFINITIONS.

In this Act:

(1) ADVERTISEMENT.—The term ''advertisement'' means a commercial promotion for a product or service, but does not include promotions for products or services that appear on computer software help or support pages that are displayed in response to a request by the user.

(2) ADVERTISING FEATURE.—The term ''advertising feature'' means a function of computer software that, when installed on a computer, delivers advertisements to the user of that computer.

(3) AFFIRMATIVE CONSENT.—The term ''affirmative consent'' means consent expressed through action by the user of a computer other than default action specified by the installation sequence and independent from any other consent solicited from the user during the installation process.

(4) CLEAR DESCRIPTION.—The term ''clear description'' means a description that is clear, conspicuous, concise, and in a font size that is at least as large as the largest default font displayed to the user by the software.

(5) COMPUTER SOFTWARE.—The term ''computer software''—

(A) means any program designed to cause a computer to perform a desired function or functions; and

(B) does not include any cookie.

(6) COOKIE.—The term ''cookie'' means a text file—

(A) that is placed on a computer by an Internet service provider, interactive computer service, or Internet website; and

(B) the sole function of which is to record information that can be read or recognized by an Internet service provider, interactive computer service, or Internet website when the user of the computer uses or accesses such provider, service, or website.

(7) DISTRIBUTED COMPUTING FEATURE.—The term ''distributed computing feature'' means a function of computer software that, when installed on a computer, transmits information or messages, other than personal or network information about the user of the computer, to any other computer without the knowledge or direction of the user and for purposes unrelated to the tasks or functions the user intentionally performs using the computer.

(8) FIRST RETAIL SALE.—The term ''first retail sale'' means the first sale of a computer, for a purpose other than resale, after the manufacture, production, or importation of the computer. For purposes of this paragraph, the lease of a computer shall be considered a sale of the computer at retail.

(9) INFORMATION COLLECTION FEATURE.—The term ''information collection feature'' means a function of computer software that, when installed on a computer, collects personal or network information about the user of the computer and transmits such information to any other party on an automatic basis or at the direction of a party other than the user of the computer.

(10) INSTALL.—The term ''install'' means—

(A) to write computer software to a computer's persistent storage medium, such as the computer's hard disk, in such a way that the computer software is retained on the computer after the computer is turned off and subsequently restarted; or

(B) to write computer software to a computer's temporary memory, such as random access memory, in such a way that the software is retained and continues to operate after the user of the computer turns off or exits the Internet service, interactive computer service, or Internet website from which the computer software was obtained.

(11) NETWORK INFORMATION.—The term ''network information'' means—

(A) an Internet protocol address or domain name of a user's computer; or

(B) a Uniform Resource Locator or other information that identifies Internet web sites or other online resources accessed by a user of a computer.

(12) PERSONAL INFORMATION.—The term ''personal information'' means—

(A) a first and last name, whether given at birth or adoption, assumed, or legally changed;

(B) a home or other physical address including street name, name of a city or town, and zip code;

(C) an electronic mail address or online username;

(D) a telephone number;

(E) a social security number;

(F) any personal identification number;

(G) a credit card number, any access code associated with the credit card, or both;

(H) a birth date, birth certificate number, or place of birth; or

(I) any password or access code.

(13) PERSON.—The term ''person'' has the meaning given that term in section 3(32) of the Communications Act of 1934 (47 U.S.C. 153(32)).

(14) PROTECTED COMPUTER.—The term ''protected computer'' has the meaning given that term in section 1030(e)(2)(B) of title 18, United States Code.

(15) SETTINGS MODIFICATION FEATURE.—The term ''settings modification feature'' means a function of computer software that, when installed on a computer—

(A) modifies an existing user setting, without direction from the user of the computer, with respect to another computer software application previously installed on that computer; or

(B) enables a user setting with respect to another computer software application previously installed on that computer to be modified in the future without advance notification to and consent from the user of the computer.

(16) USER OF A COMPUTER.—The term ''user of a computer'' means a computer's lawful owner or an individual who operates a computer with the authorization of the computer's lawful owner.

SEC. 9. EFFECTIVE DATE.

This Act shall take effect 180 days after the date of enactment of this Act.

By Ms. LANDRIEU (for herself, Mr. BAYH, Mr. BREAUX, Mr. BURNS, Mr. CHAFEE, Mr. CHAMBLISS, Mr. COCHRAN, Mr. DURBIN, Mr. FEINGOLD, Mr. JOHNSON, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MILLER, Mrs. MURRAY, Mr. NELSON of Florida, Mr. PRYOR, Mr. REID, Mr. SANTORUM, Ms. STABENOW, Mr. STEVENS, Mr. VOINOVICH, and Mr. WARNER):

S. 2146. A bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States; to the Committee on Banking, Housing, and Urban Affairs.

Ms. LANDRIEU. Mr. President, every year, Americans commemorate the birthday of America's greatest civil rights leader, Dr. Martin Luther King, Jr. Last year I was pleased to introduce legislation to authorize the Secretary of the Treasury to mint coins to recognize Dr. King's contribution to the people of the United States. Revenues from the surcharge on the coin would go to the Library of Congress to purchase and maintain historical documents and other materials associated with the life and legacy of Martin Luther King, Jr.

I had hoped that this bill could have been enacted last year on the 40th anniversary of Dr. King's ''I Have a Dream'' speech, but we were unable to do so. Today, I would like to reintroduce the Dr. Martin Luther King Jr. Commemorative Coin Act of 2004, to have the coin minted in 2009 in commemoration of the 80th anniversary of Dr. King's birth. Dr. King's significant contributions and his message should live on for future generations. America should remember him as a national hero and a pioneer.

In recognizing Dr. Martin Luther King's legacy, it is important that we continue to learn from his actions and words. When I was a young girl in Louisiana, I learned from Dr. King that the struggle for civil rights and racial equality was more than simply changing the law, it required changing our hearts as well. Dr. King recognized that the civil rights movement presented Americans with a choice. We could choose hate and fear, or we could choose love and understanding. Dr. King believed that when Americans choose love in their hearts, peace and equality would follow. Dr. King offered us a peaceful way to reach equality through non-violent protest and action. I believe that this should continue to be a fundamental moral challenge for our country. In his famous ''I Have a Dream'' speech, Dr. King said, ''I have a dream that one day, the sons of former slaves and the sons of former slave owners will be able to sit down together at the table of brotherhood.''

I would also like to take the time to thank my good friends on both sides of the aisle for supporting this important legislation. I urge others to join us in remembering the selfless deeds of Dr. Martin Luther King, Jr., by cosponsoring this bill.