

in accordance with section 553 of title 5, United States Code, and only if the Commission determines that such notice is not necessary to protect the right of the members of such trade associations to make a request to their trade associations not to send any future unsolicited advertisements.”.

(c) **UNSOLICITED ADVERTISEMENT.**—Paragraph (4) of section 227(a) of the Communications Act of 1934 (47 U.S.C. 227(a)(4)) is amended by inserting “, in writing or otherwise” before the period at the end.

(d) **REGULATIONS.**—Not later than 270 days after the date of the enactment of this Act, the Federal Communications Commission shall issue regulations to implement the amendments made by this section.

### SEC. 3. FCC ANNUAL REPORT REGARDING JUNK FAX ENFORCEMENT.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended by adding at the end the following new subsection:

“(g) **JUNK FAX ENFORCEMENT REPORT.**—The Commission shall submit a report to the Congress for each year regarding the enforcement of the provisions of this section relating to sending of unsolicited advertisements to telephone facsimile machines, which shall include the following information:

“(1) The number of complaints received by the Commission during such year alleging that a consumer received an unsolicited advertisement via telephone facsimile machine in violation of the Commission’s rules.

“(2) The number of such complaints received during the year on which the Commission has taken action.

“(3) The number of such complaints that remain pending at the end of the year.

“(4) The number of citations issued by the Commission pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines.

“(5) The number of notices of apparent liability issued by the Commission pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines.

“(6) For each such notice—

“(A) the amount of the proposed forfeiture penalty involved;

“(B) the person to whom the notice was issued;

“(C) the length of time between the date on which the complaint was filed and the date on which the notice was issued; and

“(D) the status of the proceeding.

“(7) The number of final orders imposing forfeiture penalties issued pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines.

“(8) For each such forfeiture order—

“(A) the amount of the penalty imposed by the order;

“(B) the person to whom the order was issued;

“(C) whether the forfeiture penalty has been paid; and

“(D) the amount paid.

“(9) For each case in which a person has failed to pay a forfeiture penalty imposed by such a final order, whether the Commission referred such matter to the Attorney General for recovery of the penalty.

“(10) For each case in which the Commission referred such an order to the Attorney General—

“(A) the number of days from the date the Commission issued such order to the date of such referral;

“(B) whether the Attorney General has commenced an action to recover the penalty, and if so, the number of days from the date

the Commission referred such order to the Attorney General to the date of such commencement; and

“(C) whether the recovery action resulted in collection of any amount, and if so, the amount collected.”.

### SEC. 4. GAO STUDY OF JUNK FAX ENFORCEMENT.

(a) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study regarding complaints received by the Federal Communications Commission concerning unsolicited advertisements sent to telephone facsimile machines, which shall determine—

(1) the number and nature of such complaints;

(2) the number of such complaints that result in final agency actions by the Commission;

(3) the length of time taken by the Commission in responding to such complaints;

(4) the mechanisms established by the Commission to receive, investigate, and respond to such complaints;

(5) the level of enforcement success achieved by the Commission and the Attorney General regarding such complaints;

(6) whether complainants to the Commission are adequately informed by the Commission of the responses to their complaints; and

(7) whether additional enforcement measures are necessary to protect consumers, including recommendations regarding such additional enforcement measures.

(b) **ADDITIONAL ENFORCEMENT REMEDIES.**—In conducting the analysis and making the recommendations required under paragraph (7) of subsection (a), the Comptroller General shall specifically examine—

(1) the adequacy of existing statutory enforcement actions available to the Commission;

(2) the adequacy of existing statutory enforcement actions and remedies available to consumers;

(3) the impact of existing statutory enforcement remedies on senders of facsimiles;

(4) whether increasing the amount of financial penalties is warranted to achieve greater deterrent effect; and

(5) whether establishing penalties and enforcement actions for repeat violators or abusive violations similar to those established by section 4 of the CAN-SPAM Act of 2003 (15 U.S.C. 7703) would have a greater deterrent effect.

(c) **REPORT.**—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit a report on the results of the study under this section to Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 389—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO PROSTATE CANCER INFORMATION

Mr. CAMPBELL (for himself, Mr. JOHNSON, Mr. BUNNING, Mr. CHAMBLISS, Mr. GRAHAM of South Carolina, Mr. BURNS, and Mrs. LINCOLN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor and Pensions:

S. RES. 389

Whereas in 2004, it is estimated that approximately 230,000 new cases of prostate

cancer will be diagnosed in the United States, and nearly 30,000 men in the United States will die from prostate cancer;

Whereas prostate cancer is the second leading cause of cancer death in men in the United States;

Whereas more than \$4,700,000,000 is spent annually in the United States in direct treatment costs for prostate cancer;

Whereas African-American men are diagnosed with and die from prostate cancer more frequently than men of other ethnic backgrounds;

Whereas increased education among health care providers and patients regarding the need for prostate cancer screening tests has resulted in the diagnosis of approximately 86 percent of prostate cancer patients before the cancerous cells have spread appreciably beyond the prostate gland, thereby enhancing the odds of successful treatment;

Whereas the potential complication rates for significant side effects vary among the most common forms of treatment for prostate cancer;

Whereas prostate cancer often strikes elderly people in the United States, men should have an opportunity to learn about the benefits and limitations of testing for prostate cancer detection and of treatment of prostate cancer, so that they can make an informed decision with the assistance of a clinician; and

Whereas Congress as a whole, and Members of Congress as individuals, are in unique positions to support the fight against prostate cancer, to help raise public awareness about the need to make screening tests available to all people at risk for prostate cancer, and to provide prostate cancer patients with adequate information to assess the relative benefits and risks of treatment options: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) national and community organizations and health care providers have played a commendable role in supplying information concerning the importance of screening for prostate cancer and the treatment options for patients with prostate cancer; and

(2) the Federal Government and the States should ensure that health care providers supply prostate cancer patients with appropriate information and any other tools necessary for prostate cancer patients to receive readily understandable descriptions of the advantages, disadvantages, benefits, and risks of all medically efficacious screening and treatments for prostate cancer, including brachytherapy, hormonal treatments, external beam radiation, chemotherapy, surgery, and watchful waiting.

Mr. CAMPBELL. Mr. President, today I am pleased to be joined by my colleagues Senators JOHNSON, BUNNING, CHAMBLISS, LINDSEY GRAHAM, BURNS, and LINCOLN to submit legislation which would express the Sense of the Senate that physicians inform prostate cancer patients of all of their treatment options. The non-binding resolution which we are introducing stresses the importance of presenting all options to men diagnosed with prostate cancer.

Prostate cancer is the second leading cause of cancer death of men in this country and is particularly devastating for men over the age of 50. In 2004, it is estimated that approximately 230,000 new cases of prostate cancer will be diagnosed in the United States, and nearly 30,000 men will die from the disease. Clearly, the effort to raise public understanding about treatment options is crucial.

I believe that patients should be provided with accessible and comprehensive information about all available treatment options in an effort to enable them to select the therapy most appropriate for their unique conditions. Understanding both the cure rates and the quality of life implications of each approach is essential in making an educated decision.

Last week an identical resolution passed the House by a vote of 377-3. I urge my colleagues to support this legislation. Let's take an important step forward in the fight against prostate cancer.

#### SENATE RESOLUTION 390—DESIGNATING SEPTEMBER 9, 2004, AS “NATIONAL FETAL ALCOHOL SPECTRUM DISORDERS DAY”

Ms. MURKOWSKI (for herself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

##### S. RES. 390

Whereas the term “fetal alcohol spectrum disorders” has replaced fetal alcohol syndrome as the umbrella term describing the range of effects that can occur in an individual whose mother drank alcohol during pregnancy;

Whereas fetal alcohol spectrum disorders are the leading cause of mental retardation in western civilization, including the United States, and are 100 percent preventable;

Whereas fetal alcohol spectrum disorders are a major cause of numerous social disorders including learning disabilities, school failure, juvenile delinquency, homelessness, unemployment, mental illness, and crime;

Whereas the incidence rate of fetal alcohol syndrome is estimated at 1 out of 500 live births and of fetal alcohol spectrum disorders is estimated at 1 out of every 100 live births;

Whereas the economic cost of fetal alcohol syndrome alone to the Nation was \$5,400,000,000 in 2003 and that each individual with fetal alcohol syndrome will cost United States taxpayers between an estimated \$1,500,000 and \$3,000,000 in his or her lifetime;

Whereas in February 1999, a small group of parents of children who suffer from fetal alcohol spectrum disorders came together with the hope that in 1 magic moment the world could be made aware of the devastating consequences of alcohol consumption during pregnancy;

Whereas the first International Fetal Alcohol Syndrome Awareness Day was observed on September 9, 1999;

Whereas Bonnie Buxton of Toronto, Canada, the co-founder of the first International Fetal Alcohol Syndrome Awareness Day, stated the purpose of the observance as: “What if . . . a world full of FAS/E parents all got together on the ninth hour of the ninth day of the ninth month of the year and asked the world to remember that during the 9 months of pregnancy a woman should not consume alcohol . . . would the rest of the world listen?”; and

Whereas on the ninth day of the ninth month of each year since 1999, communities around the world have observed International Fetal Alcohol Syndrome Awareness Day: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 9, 2004, as “National Fetal Alcohol Spectrum Disorders Awareness Day”; and

(2) requests that the President issue a proclamation calling upon the people of the United States to—

(A) observe “National Fetal Alcohol Spectrum Disorders Awareness Day” with appropriate ceremonies to—

(i) promote awareness of the effects of prenatal exposure to alcohol;

(ii) increase compassion for individuals affected by prenatal exposure to alcohol;

(iii) minimize further effects; and

(iv) ensure healthier communities across the United States; and

(B) observe a moment of reflection on the ninth hour of September 9, 2004, to remember that during the 9 months of pregnancy a woman should not consume alcohol.

#### AMENDMENTS SUBMITTED & PROPOSED

SA 3474. Mr. CRAPO (for Mr. COCHRAN (for himself and Mr. HARKIN)) proposed an amendment to the bill S. 2507, to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to reauthorize child nutrition programs, and for other purposes.

SA 3475. Mr. WARNER (for Mr. GREGG) proposed an amendment to amendment SA 3400 proposed by Mr. FEINGOLD (for himself, Mrs. MURRAY, Mr. CORZINE, and Mr. DAYTON) to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

SA 3476. Mr. WARNER proposed an amendment to the bill S. 2400, *supra*.

SA 3477. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2400, *supra*.

SA 3478. Mr. WARNER proposed an amendment to the bill S. 2400, *supra*.

SA 3479. Mr. WARNER proposed an amendment to the bill S. 2400, *supra*.

SA 3480. Mr. WARNER proposed an amendment to the bill S. 2400, *supra*.

SA 3481. Mr. WARNER proposed an amendment to the bill S. 2400, *supra*.

SA 3482. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2400, *supra*.

SA 3483. Mr. LEVIN (for Mr. HOLLINGS) proposed an amendment to the bill S. 2400, *supra*.

SA 3484. Mr. WARNER proposed an amendment to the bill S. 2400, *supra*.

SA 3485. Mr. LEAHY (for himself, Mr. CORZINE, Mr. KENNEDY, Mr. SCHUMER, and Mr. DURBIN) proposed an amendment to amendment SA 3387 proposed by Mr. LEAHY to the bill S. 2400, *supra*.

#### TEXT OF AMENDMENTS

**SA 3474.** Mr. CRAPO (for Mr. COCHRAN (for himself and Mr. HARKIN)) proposed an amendment to the bill S. 2507, to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to reauthorize child nutrition programs, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Child Nutrition and WIC Reauthorization Act of 2004”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; Table of contents.

#### TITLE I—AMENDMENTS TO RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

Sec. 101. Nutrition promotion.

Sec. 102. Nutrition requirements.

Sec. 103. Provision of information.

Sec. 104. Direct certification.

Sec. 105. Household applications.

Sec. 106. Duration of eligibility for free or reduced price meals.

Sec. 107. Runaway, homeless, and migrant youth.

Sec. 108. Certification by local educational agencies.

Sec. 109. Exclusion of military housing allowances.

Sec. 110. Waiver of requirement for weighted averages for nutrient analysis.

Sec. 111. Food safety.

Sec. 112. Purchases of locally produced foods.

Sec. 113. Special assistance.

Sec. 114. Food and nutrition projects integrated with elementary school curricula.

Sec. 115. Procurement training.

Sec. 116. Summer food service program for children.

Sec. 117. Commodity distribution program.

Sec. 118. Notice of irradiated food products.

Sec. 119. Child and adult care food program.

Sec. 120. Fresh fruit and vegetable program.

Sec. 121. Summer food service residential camp eligibility.

Sec. 122. Access to local foods and school gardens.

Sec. 123. Year-round services for eligible entities.

Sec. 124. Free lunch and breakfast eligibility.

Sec. 125. Training, technical assistance, and food service management institute.

Sec. 126. Administrative error reduction.

Sec. 127. Compliance and accountability.

Sec. 128. Information clearinghouse.

Sec. 129. Program evaluation.

#### TITLE II—AMENDMENTS TO CHILD NUTRITION ACT OF 1966

Sec. 201. Severe need assistance.

Sec. 202. State administrative expenses.

Sec. 203. Special supplemental nutrition program for women, infants, and children.

Sec. 204. Local wellness policy.

Sec. 205. Team nutrition network.

Sec. 206. Review of best practices in the breakfast program.

#### TITLE III—COMMODITY DISTRIBUTION PROGRAMS

Sec. 301. Commodity distribution programs.

#### TITLE IV—MISCELLANEOUS

Sec. 401. Sense of Congress regarding efforts to prevent and reduce childhood obesity.

#### TITLE V—IMPLEMENTATION

Sec. 501. Guidance and regulations.

Sec. 502. Effective dates.

#### TITLE I—AMENDMENTS TO RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

##### SEC. 101. NUTRITION PROMOTION.

The Richard B. Russell National School Lunch Act is amended by inserting after section 4 (42 U.S.C. 1753) the following:

##### “SEC. 5. NUTRITION PROMOTION.

“(a) IN GENERAL.—Subject to the availability of funds made available under subsection (g), the Secretary shall make payments to State agencies for each fiscal year,