

30, 2007; to the Committee on Environment and Public Works.

EC-3878. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Control of Emissions from Existing Other Solid Waste Incinerator Units; Nevada" (FRL No. 8489-6) received on October 30, 2007; to the Committee on Environment and Public Works.

EC-3879. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticide Tolerance Nomenclature Changes; Technical Amendments; Correction" (FRL No. 8151-4) received on October 30, 2007; to the Committee on Environment and Public Works.

EC-3880. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Great Basin Unified Air Pollution Control District and Mojave Desert Air Quality Management District" (FRL No. 8487-6) received on October 30, 2007; to the Committee on Environment and Public Works.

EC-3881. A communication from the Program Manager, Center for Medicare Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule, and Other Part B Payment Policies for CY 2008; Revisions to the Payment Policies of Ambulance Services Under the Ambulance Fee Schedule for CY 2008; and the Amendment of the E-Prescribing Exemption for Computer Generated Facsimile Transmissions" (RIN0938-AO65) received on November 2, 2007; to the Committee on Finance.

EC-3882. A communication from the Program Manager, Center for Medicare Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Revisit User Fee Program for Medicare Survey and Certification Activities" (RIN0938-AP22) received on November 2, 2007; to the Committee on Finance.

EC-3883. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of firearms to Georgia for use by the Georgian Defense Ministry; to the Committee on Foreign Relations.

EC-3884. A communication from the Acting Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the report of a rule entitled "Miscellaneous Amendments to Acquisition Regulations" (AIDAR Circular 2007-02) received on October 26, 2007; to the Committee on Foreign Relations.

EC-3885. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department's Annual Performance Plan for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution, Fiscal Year 2008" (Rept. No. 110-221).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 597. A bill to extend the special postage stamp for breast cancer research for 2 years (Rept. No. 110-222).

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 589. A bill to provide for the transfer of certain Federal property to the United States Paralympics, Incorporated, a subsidiary of the United States Olympic Committee (Rept. No. 110-223).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

H.R. 798. A bill to direct the Administrator of General Services to install a photovoltaic system for the headquarters building of the Department of Energy (Rept. No. 110-224).

By Mrs. BOXER, from the Committee on Environment and Public Works:

Report to accompany S. 775, a bill to establish a National Commission on the Infrastructure of the United States (Rept. No. 110-225).

## 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. MENENDEZ (for himself, Mr. SCHUMER, Mr. SANDERS, Mr. WHITEHOUSE, Mrs. McCASKILL, Mr. CARPER, Mr. OBAMA, and Ms. KLOBUCHAR):

S. 2315. A bill to prohibit an entity under the jurisdiction of a Federal agency from paying for travel by employees of that agency; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LIEBERMAN (for himself, Mr. FEINGOLD, Mr. BIDEN, Mr. REED, Mr. KERRY, Ms. CANTWELL, Mr. LEAHY, Mr. DURBIN, Mrs. BOXER, Mr. HARKIN, Mrs. MURRAY, Mr. DODD, Mr. SANDERS, Mr. OBAMA, Mr. MENENDEZ, Mr. KOHL, Mr. CARDIN, Mrs. CLINTON, Mr. WYDEN, Mr. SALAZAR, Mr. SCHUMER, Mr. KENNEDY, Ms. STABENOW, Mr. WHITEHOUSE, Mr. LAUTENBERG, and Mr. CASEY):

S. 2316. A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness; to the Committee on Environment and Public Works.

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 2317. A bill to amend titles 17 and 18, United States Code, and the Trademark Act of 1946 to strengthen and harmonize the protection of intellectual property, and for other purposes; to the Committee on the Judiciary.

By Mr. ENSIGN (for himself, Mr. CRAPO, Mr. ROBERTS, Mr. BUNNING, and Mr. SMITH):

S. 2318. A bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax and to permanently extend the reductions in income tax rates, and for other purposes; read the first time.

By Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. BINGAMAN, and Mrs. HUTCHISON):

S. 2319. A bill to ensure the continued and future availability of life saving trauma

health care in the United States and to prevent further trauma center closures and downgrades by assisting trauma centers with uncompensated care costs, core mission services, and emergency needs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself and Mr. COCHRAN):

S. 2320. A bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. CARPER):

S. 2321. A bill to amend the E-Government Act of 2002 (Public Law 107-347) to reauthorize appropriations, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN:

S. 2322. A bill to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met; to the Committee on Foreign Relations.

By Mr. KERRY:

S. 2323. A bill to provide for the conduct of carbon capture and storage technology research, development, and demonstration projects, and for other purposes; to the Committee on Energy and Natural Resources.

## ADDITIONAL COSPONSORS

S. 400

At the request of Mr. SUNUNU, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 562

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 562, a bill to provide for flexibility and improvements in elementary and secondary education, and for other purposes.

S. 1142

At the request of Mr. GREGG, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1142, a bill to authorize the acquisition of interests in undeveloped coastal areas in order better to ensure their protection from development.

S. 1159

At the request of Mr. HAGEL, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1159, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1418

At the request of Mr. DODD, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1418, a bill to provide assistance to

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 1512

At the request of Mrs. BOXER, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1512, a bill to amend part E of title IV of the Social Security Act to expand Federal eligibility for children in foster care who have attained age 18.

S. 1638

At the request of Mr. LEAHY, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 1638, a bill to adjust the salaries of Federal justices and judges, and for other purposes.

S. 1880

At the request of Mr. KERRY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1880, a bill to amend the Animal Welfare Act to prohibit dog fighting ventures.

S. 1965

At the request of Mr. STEVENS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1965, a bill to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

S. 2020

At the request of Mr. LUGAR, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2020, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2010, to rename the Tropical Forest Conservation Act of 1998 as the "Tropical Forest and Coral Conservation Act of 2007", and for other purposes.

S. 2045

At the request of Mr. PRYOR, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2045, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

S. 2056

At the request of Mr. ROCKEFELLER, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 2056, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 2068

At the request of Mr. BAYH, the names of the Senator from Florida (Mr. NELSON) and the Senator from New Jersey (Mr. LAUTENBERG) were added as

cosponsors of S. 2068, a bill to amend the Internal Revenue Code of 1986 to provide an additional standard deduction for real property taxes for non-itemizers.

S. 2071

At the request of Mrs. FEINSTEIN, the names of the Senator from Missouri (Mr. BOND), the Senator from Oregon (Mr. SMITH), the Senator from Idaho (Mr. CRAPO), the Senator from South Dakota (Mr. JOHNSON), the Senator from North Dakota (Mr. CONRAD) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2071, a bill to enhance the ability to combat methamphetamine.

S. 2159

At the request of Mr. NELSON of Florida, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Missouri (Mr. BOND), the Senator from Ohio (Mr. BROWN), the Senator from California (Mrs. FEINSTEIN), the Senator from Michigan (Mr. LEVIN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Illinois (Mr. OBAMA) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 2159, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration.

S. 2168

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2168, a bill to amend title 18, United States Code, to enable increased federal prosecution of identity theft crimes and to allow for restitution to victims of identity theft.

S. 2172

At the request of Mr. MCCAIN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2172, a bill to impose sanctions on officials of the State Peace and Development Council in Burma, to prohibit the importation of gems and hardwoods from Burma, to support democracy in Burma, and for other purposes.

S. 2181

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2181, a bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program.

S. 2250

At the request of Mr. CRAPO, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 2250, a bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare Program.

S. 2278

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S.

2278, a bill to improve the prevention, detection, and treatment of community and healthcare-associated infections (CHAI), with a focus on antibiotic-resistant bacteria.

S. 2289

At the request of Mr. ALEXANDER, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 2289, a bill to amend chapter 111 of title 28, United States Code, to limit the duration of Federal consent decrees to which State and local governments are a party, and for other purposes.

S. 2313

At the request of Mr. BROWN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2313, a bill to amend the Public Health Service Act to enhance efforts to address antimicrobial resistance.

S.J. RES. 22

At the request of Mr. BAUCUS, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S.J. Res. 22, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to Medicare coverage for the use of erythropoiesis stimulating agents in cancer and related neoplastic conditions.

S. RES. 366

At the request of Mr. BAUCUS, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. Res. 366, a resolution designating November 2007 as "National Methamphetamine Awareness Month", to increase awareness of methamphetamine abuse.

S. RES. 368

At the request of Mr. KERRY, the names of the Senator from Rhode Island (Mr. REED) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. Res. 368, a resolution expressing the sense of the Senate that, at the 20th Regular Meeting of the International Commission on the Conservation of Atlantic Tunas, the United States should pursue a moratorium on the eastern Atlantic and Mediterranean bluefin tuna fishery to ensure control of the fishery and further facilitate recovery of the stock, pursue strengthened conservation and management measures to facilitate the recovery of the Atlantic bluefin tuna, and seek a review of compliance by all Nations with the International Commission for the Conservation of Atlantic Tunas' conservation and management recommendation for Atlantic bluefin tuna and other species, and for other purposes.

S. RES. 370

At the request of Mrs. DOLE, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. Res. 370, a resolution supporting and encouraging greater support for Veterans Day each year.

## AMENDMENT NO. 3502

At the request of Mr. WYDEN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of amendment No. 3502 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

## AMENDMENT NO. 3543

At the request of Ms. STABENOW, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 3543 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 2317. A bill to amend titles 17 and 18, United States Code, and the Trademark Act of 1946 to strengthen and harmonize the protection of intellectual property, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to introduce the Intellectual Property Enforcement Act of 2007. Congress is charged "to promote the progress of science and useful arts," and part of promotion is protection. This legislation will enhance existing intellectual property enforcement laws, provide more resources to combat infringement, and harmonize copyright and trademark laws. I thank Senator CORNYN for joining me in this effort, which is a high priority of mine, and also of the creative communities and industries across the country.

Each year, counterfeiting and copyright infringement cost the U.S. economy billions of dollars. The International Anti-Counterfeiting Coalition estimates that counterfeiting and piracy cost American businesses \$250 billion a year, and hundreds of thousands of jobs as well. Clearly, IP theft is big business, and that can devastate small businesses. No one knows this better than Vermont companies such as Hubbardton Forge, Vermont Teddy Bear Company, and Burton Snowboards. Each of these companies, and many others like them across the Nation invests time, money, and effort in the development of new products. When their products are infringed, it devalues the product and threatens the company.

Senator CORNYN and I have heard from a myriad of interested parties about the importance of protecting intellectual property, and have seen many enforcement proposals. The leg-

islation we introduce today will serve as the core of our legislative effort this year. It will start the process of considering how to ensure that our enforcement laws are up to the task, and that the necessary resources are in place to enforce them. Other Senators have introduced legislation to address these issues, and the Department of Justice and others have suggested legislative language. These are all helpful to the debate, and I expect there will be more to come. Introduction of the Intellectual Property Enforcement Act of 2007 is the beginning of this important effort.

The centerpiece of the bill we introduce today gives the Department of Justice the ability to bring civil actions against copyright infringers. Punishment should fit the crime, and a civil action is often more appropriate to the wrong being done in such cases than is criminal prosecution. This concept has passed the Senate on three separate occasions, as the PIRATE Act. Next, this bill adds resources for agents to combat infringement. It does not matter how strong our laws are, if there are not enough agents, or if our agents do not have the proper expertise to investigate and prosecute crimes, piracy will flourish and harm our economy. Third, this bill allows for "harmless errors" on copyright registration forms. Copyright registration should not be voided by innocently checking the wrong box or misspelling a word on a form. Finally, this bill harmonizes the forfeiture provisions in the copyright and trademark statutes.

By enacting well-balanced enforcement laws, we can protect both the creators and the consumers of intellectual property. It is impossible to put a price tag on creativity, but we must do all we can to protect the fruits of creative labor.

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

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

S. 2317

*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 "Intellectual Property Enforcement Act of 2007".

## SEC. 2. AUTHORIZATION OF CIVIL COPYRIGHT ENFORCEMENT BY ATTORNEY GENERAL.

(a) IN GENERAL.—Chapter 5 of title 17, United States Code, is amended by inserting after section 506 the following:

## "§ 506a. Civil penalties for violations of section 506"

"(a) IN GENERAL.—In lieu of a criminal action under section 506, the Attorney General may commence a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under section 506. Upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty under section 504 which shall be in an amount equal to the amount which would be awarded under section 3663(a)(1)(B)

of title 18 and restitution to the copyright owner aggrieved by the conduct.

"(b) OTHER REMEDIES.—

"(1) IN GENERAL.—Imposition of a civil penalty under this section does not preclude any other criminal or civil statutory, injunctive, common law, or administrative remedy, which is available by law to the United States or any other person.

"(2) OFFSET.—Any restitution received by a copyright owner as a result of a civil action brought under this section shall be offset against any award of damages in a subsequent copyright infringement civil action by that copyright owner for the conduct that gave rise to the civil action brought under this section."

(b) DAMAGES AND PROFITS.—Section 504 of title 17, United States Code, is amended—

(1) in subsection (b)—

(A) in the first sentence—

(i) by inserting ", or the Attorney General in a civil action," after "The copyright owner"; and

(ii) by striking "him or her" and inserting "the copyright owner"; and

(B) in the second sentence by inserting ", or the Attorney General in a civil action," after "the copyright owner"; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting ", or the Attorney General in a civil action," after "the copyright owner"; and

(B) in paragraph (2), by inserting ", or the Attorney General in a civil action," after "the copyright owner".

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 17, United States Code, is amended by inserting after the item relating to section 506 the following:

"506a. Civil penalties for violation of section 506."

## SEC. 3. IMPROVED INVESTIGATIVE AND FORENSIC RESOURCES FOR ENFORCEMENT OF LAWS RELATED TO INTELLECTUAL PROPERTY CRIMES.

(a) IN GENERAL.—The Attorney General, in consultation with the Director of the Federal Bureau of Investigation, shall, with respect to crimes related to the theft of intellectual property—

(1) create an operational unit of the Federal Bureau of Investigation—

(A) to work with the Computer Crime and Intellectual Property section of the Department of Justice on the investigation and coordination of intellectual property crimes that are complex, committed in more than 1 judicial district, or international;

(B) that consists of at least 10 agents of the Bureau; and

(C) that is located at the headquarters of the Bureau;

(2) ensure that any unit in the Department of Justice responsible for investigating computer hacking or intellectual property crimes is assigned at least 2 agents of the Federal Bureau of Investigation (in addition to any agent assigned to such unit as of the date of the enactment of this Act) to support such unit for the purpose of investigating or prosecuting intellectual property crimes; and

(3) implement a comprehensive program—

(A) the purpose of which is to train agents of the Federal Bureau of Investigation in the investigation and prosecution of such crimes and the enforcement of laws related to intellectual property crimes;

(B) that includes relevant forensic training related to investigating and prosecuting intellectual property crimes; and

(C) that requires such agents who investigate or prosecute intellectual property crimes to attend the program annually.

(b) INTELLECTUAL PROPERTY LAW ENFORCEMENT COORDINATORS.—Not later than 120