

the copyrights—and their violation—is far less likely to be circumvented or out-dated before it can do any good. It will be both broad enough and sufficiently flexible to accommodate situations we cannot foresee.

This legislation is also carefully crafted to preserve the doctrine of “fair use.” Indeed by targeting the illegal conduct of those who have hijacked promising technologies, we can hope that consumers in the future have more outlets to purchase creative works in a convenient, portable digital format. Similarly, the bill will continue to promote the development of new technologies as it will not impose liability on the manufacturers of copying technology merely because the possibility exists for abuse. Finally, the bill will not affect Internet service providers who comply with the safe harbor provisions of the Digital Millennium Copyright Act.

Copyright law protecting intellectual property is one of the taproots of our economy and of our creativity as a nation. For copyright law to work as the Founders intended, it needs effective enforcement. That means adapting enforcement tools to meet new challenges, in the digital age or in any age. And that is the straightforward purpose of this bill.

I would like to take a moment also to emphasize another important, if obvious, point about this bill that some detractors have ignored. The law only penalizes those who intentionally induce others to infringe copyrights. Thus, the makers of electronic equipment, the software vendors who sell email and other programs, the Internet service providers who facilitate access to the Web—all of these entities have nothing to fear from this bill. So long as they do not conduct their businesses with the intention of inducing others to break the law—and I certainly have not heard from anyone who makes that claim—they should rest easy. The only actors who have anything to fear are those that are already breaking the law; this bill simply clarifies and codifies that long-standing doctrine of secondary liability.

The “Inducing Infringement of Copyright Act of 2004” is a simple fix to a growing problem. The bill protects the rights inherent in creative works, while helping to ensure that those same works can be easily distributed in digital format.

Mr. FRIST. Mr. President, I rise in support of the Inducing Infringement of Copyrights Act of 2004 introduced today by Senators HATCH and LEAHY. I am proud to be an original cosponsor. The Inducement Act addresses the growing problem of online piracy—the illegal downloading of copyrighted music. Piracy is devastating the music community and threatening other forms of copyrighted work. This commonsense, bipartisan legislation takes important steps in protecting our Nation’s intellectual property.

When I return home to Nashville and drive down Music Row, my heart sinks

as I see the “For Sale” and “For Rent” signs everywhere. The once vibrant music community is being decimated by online piracy. No one is spared. It is hitting artists, writers, record companies, performing rights organizations, and publishers.

Every month 2.6 billion music files are illegally downloaded using peer-to-peer networks, and it is not unusual for albums to show up on the Internet before they make it to the record store. The effect of this theft of intellectual property is disastrous to the creative industry. In the end, rampant piracy dries up income and drives away professional musicians. We get fewer artists and less music.

Online piracy affects more than just the music industry. It affects a broad swath of the creative field, including the movie and software industries. Music, movies, books, and software contribute well over half a trillion dollars to the U.S. economy each year and support 4.7 million workers. When our copyright laws are blatantly ignored or threatened, an enormous sector of our economy and creative culture is threatened.

The intent of the anti-piracy bill being introduced today is simple. It holds liable those who intentionally induce others to commit illegal acts of copyright infringement. In other words, it targets the bad actors who are encouraging others to steal. In addition, the general cause of action in this bill is not new or revolutionary. It is based on the theory of secondary liability that is found squarely in our Nation’s laws.

This bill should not and does not threaten in any manner the further advancement of technology. It is not a technology mandate. Only individuals or organizations which profit from intentionally encouraging others to violate our copyright laws should fear this legislation. It has been carefully crafted and will be thoroughly reviewed to ensure that its language accurately reflects its sound intent.

The future of the music community is with advancing technology, and I encourage those in the music field to continue to offer innovative choices to consumers. It is important to recognize, however, that no one in the music industry or any other intellectual property field can survive when his or her work is being stolen. Those who are intentionally and actively encouraging this theft should be held accountable.

I would like to thank Senator HATCH for his hard work on this bill and his dedication to this issue. I would also like to thank Senator LEAHY for his work. This is truly a bipartisan issue, and I look forward to working with Members on both sides of the aisle to ensure that our intellectual property laws are respected and enforced.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 387—COMMEMORATING THE 40TH ANNIVERSARY OF THE WILDERNESS ACT

Mr. FEINGOLD (for himself, Mr. SUNUNU, Mr. HAGEL, Mr. DURBIN, Mrs. BOXER, Mr. MCCAIN, Mrs. MURRAY, Mr. LUGAR, Mr. WARNER, Mr. CHAFEE, Ms. SNOWE, and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 387

Whereas September 3, 2004, will mark the 40th Anniversary of the enactment of the Wilderness Act (16 U.S.C. 1131 et seq.), which gave to the people of the United States an enduring resource of natural heritage as part of the National Wilderness Preservation System;

Whereas great American writers such as Ralph Waldo Emerson, Henry David Thoreau, George Perkins Marsh, and John Muir joined poets like William Cullen Bryant, and painters such as Thomas Cole, Frederic Church, Frederic Remington, Albert Bierstadt, and Thomas Moran to define the United States’ distinct cultural value of wild nature and unique concept of wilderness;

Whereas national leaders such as President Theodore Roosevelt reveled in outdoor pursuits and sought diligently to preserve those opportunities for molding individual character, shaping a nation’s destiny, striving for balance, and ensuring the wisest use of natural resources, to provide the greatest good for the greatest many;

Whereas luminaries in the conservation movement, such as scientist Aldo Leopold, forester Bob Marshall, writer Howard Zahniser, teacher Sigurd Olson, biologists Olaus and Adolph Murie, and conservationist David Brower believed that the people of the United States could have the boldness to project into the eternity of the future some of the wilderness that has come from the eternity of the past;

Whereas Senator Hubert H. Humphrey, a Democrat from Minnesota, and Representative John Saylor, a Republican from Pennsylvania, originally introduced the legislation with strong bipartisan support in both bodies of Congress;

Whereas with the help of their colleagues, including cosponsors Gaylord Nelson, William Proxmire, and Henry “Scoop” M. Jackson, and other conservation allies, including Secretary of Interior Stewart L. Udall and Representative Morris K. Udall, Senator Humphrey and Representative Saylor toiled 8 years to secure nearly unanimous passage of the legislation, 78 to 8 in the Senate, and 373 to 1 in the House of Representatives;

Whereas critical support in the Senate for the Wilderness Act came from 3 Senators who still serve in the Senate as of 2004: Senator Robert C. Byrd, Senator Daniel Inouye, and Senator Edward M. Kennedy;

Whereas President John F. Kennedy, who came into office in 1961 with enactment of wilderness legislation part of his administration’s agenda, was assassinated before he could sign a bill into law;

Whereas 4 wilderness champions, Aldo Leopold, Olaus Murie, Bob Marshall, and Howard Zahniser, sadly, also passed away before seeing the fruits of their labors ratified by Congress and sent to the President;

Whereas President Lyndon B. Johnson signed into law the Wilderness Act in the Rose Garden on September 3, 1964, establishing a system of wilderness heritage as

President Kennedy and the conservation community had so ardently envisioned and eloquently articulated;

Whereas now, as a consequence of wide popular support, the people of the United States have a system of places wild and free for the permanent good of the whole people of this great Nation;

Whereas over the past 40 years the system for protecting an enduring resource of wilderness has been built upon by subsequent Presidents, successive leaders of Congress, and experts in the land managing agencies within the Departments of the Interior and Agriculture;

Whereas today that system is 10 times larger than when first established;

Whereas the Wilderness Act instituted an unambiguous national policy to recognize the natural heritage of the United States as a resource of value and to protect that wilderness for future generations to use and enjoy as previous and current generations have had the opportunity to do;

Whereas since 1964, when the first 9,000,000 acres of wilderness were included by Congress, more than 110 additional laws have been passed to build the National Wilderness Preservation System to its current size of 106,000,000 acres;

Whereas wild places protected in perpetuity can currently be found and enjoyed in 44 of the Nation's 50 States;

Whereas this wealth of the heritage of the United States can be seen today from Alaska to Florida in over 650 units, from Fire Island in New York's Long Island South Shore and Ohio's West Sister Island in Lake Erie, to far larger Mojave in eastern California and Idaho's River of No Return;

Whereas President Gerald R. Ford stated that the National Wilderness Preservation System "serves a basic need of all Americans, even those who may never visit a wilderness area—the preservation of a vital element of our natural heritage" and that, "wilderness preservation ensures that a central facet of our Nation can still be realized, not just remembered"; and

Whereas President Gerald R. Ford has joined with President Jimmy Carter and more than 100 other prominent United States citizens as honored members of Americans for Wilderness, a committee formed to celebrate this national achievement: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 40th Anniversary of the Wilderness Act (16 U.S.C. 1131 et seq.);

(2) recognizes and applauds the extraordinary work of the individuals and organizations involved in building the National Wilderness Preservation System; and

(3) is grateful for the tremendous asset the United States has been able to pass along as a gift to future people of the United States.

Mr. FEINGOLD. Mr. President, as founder of the Senate Wilderness Caucus, I am submitting a Senate resolution today to commemorate the 40th anniversary of the Wilderness Act of 1964, which was signed into law on September 3, 1964, by President Lyndon B. Johnson. I thank the following colleagues for their support as cosponsors: Senator SUNUNU, Senator HAGEL, Senator DURBIN, Senator BOXER, Senator MCCAIN, Senator MURRAY, Senator LUGAR, Senator WARNER, Senator CHAFFEE, Senator SNOWE, and Senator COLLINS.

The Wilderness Act became law seven years after the first wilderness bill was introduced by Senator Hubert H. Humphrey of Minnesota. The final bill,

sponsored by Senator CLINTON ANDERSON of New Mexico, passed the Senate by a vote of 73-12 on April 9, 1963, and passed the House of Representatives by a vote of 373-1 on July 30, 1964. The Wilderness Act of 1964 established a National Wilderness Preservation System "to secure for the American people of present and future generations the benefits of an enduring resource of wilderness." The law gives Congress the authority to designate wilderness areas, and directs the Federal land management agencies to review the lands under their responsibility for their wilderness potential.

Under the Wilderness Act, wilderness is defined as "an area of undeveloped Federal land retaining its primeval character and influence which generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable." The creation of a national wilderness system marked an innovation in the American conservation movement—wilderness would be a place where our "management strategy" would be to leave lands essentially undeveloped.

The original Wilderness Act established 9.1 million acres of Forest Service land in 54 wilderness areas. Now, after passage of 102 pieces of legislation, the wilderness system is comprised of over 104 million acres in 625 wilderness areas, across 44 States, and administered by four federal agencies: the Forest Service in the U.S. Department of Agriculture, and the Bureau of Land Management, the Fish and Wildlife Service, and the National Park Service in the Department of the Interior.

As we in this body know well, the passage and enactment of the Wilderness Act was a remarkable accomplishment that required steady, bipartisan commitment, institutional support, and strong leadership. The United States Senate was instrumental in shaping this very important law, and this anniversary gives us the opportunity to recognize this role.

As a Senator from Wisconsin, I feel a special bond with this issue. The concept of wilderness is inextricably linked with Wisconsin. Wisconsin has produced great wilderness thinkers and leaders in the wilderness movement such as Senator Gaylord Nelson and the writer and conservationist Aldo Leopold, whose *A Sand County Almanac* helped to galvanize the environmental movement. Also notable is Sierra Club founder John Muir, whose birthday is the day before Earth Day. Wisconsin also produced Sigurd Olson, one of the founders of the Wilderness Society.

I am privileged to hold the Senate seat held by Gaylord Nelson, a man for whom I have the greatest admiration and respect. Though he is a well-known and widely respected former Senator and former two-term Governor of Wisconsin, and the founder of Earth Day, some may not be aware that he is cur-

rently devoting his time to the protection of wilderness by serving as a counselor to the Wilderness Society—an activity which is quite appropriate for someone who was also a co-sponsor, along with former Senator Proxmire, of the bill that became the Wilderness Act.

The testimony at congressional hearings and the discussion of the bill in the press of the day reveals Wisconsin's crucial role in the long and continuing American debate about our wild places, and in the development of the Wilderness Act. The names and ideas of John Muir, Sigurd Olson, and, especially, Aldo Leopold, appear time and time again in the legislative history.

Senator CLINTON ANDERSON of New Mexico, chairman of what was then called the Committee on Interior and Insular Affairs, stated that his support of the wilderness system was the direct result of discussions he had held almost forty years before with Leopold, who was then in the Southwest with the Forest Service. It was Leopold who, while with the Forest Service, advocated the creation of a primitive area in the Gila National Forest in New Mexico in 1923. The Gila Primitive Area formally became part of the wilderness system when the Wilderness Act became law.

In a statement in favor of the Wilderness Act in the New York Times, then-Secretary of the Interior Stewart Udall discussed ecology and what he called "a land ethic" and referred to Leopold as the instigator of the modern wilderness movement. At a Senate hearing in 1961, David Brower of the Sierra Club went so far as to claim that "no man who reads Leopold with an open mind will ever again, with a clear conscience, be able to step up and testify against the wilderness bill." For others, the ideas of Olson and Muir—particularly the idea that preserving wilderness is a way for us to better understand our country's history and the frontier experience—provided a justification for the wilderness system.

In closing, I would like to remind colleagues of the words of Aldo Leopold in his 1949 book, *A Sand County Almanac*. He said, "The outstanding scientific discovery of the twentieth century is not the television, or radio, but rather the complexity of the land organism. Only those who know the most about it can appreciate how little is known about it." We still have much to learn, but this anniversary of the Wilderness Act reminds us how far we have come and how the commitment to public lands that the Senate and the Congress demonstrated forty years ago continues to benefit all Americans.

Mr. WARNER. Mr. President, I am pleased to join my colleagues in cosponsoring this resolution to honor and celebrate the 40th Anniversary of the Wilderness Act, and the contributions of those who have created a glorious wilderness system throughout the United States for all Americans to enjoy.

This anniversary provides a time for personal reflection on what wild places mean to us as individuals and society as a whole. As I consider the fact that this July 4 our country will celebrate her 228th year of independence, I marvel at the great changes she has seen. America has seen wars, the Industrial Revolution, the Great Depression, the Technology Age, times of prosperity and times of challenge. With all of these changes, much of America's landscape has been transformed.

I also think back to America as I knew her as a child and how she has rapidly grown and changed during my 77 years. I feel indebted to those whose foresight resulted in the Wilderness Act legislation, and whose tireless efforts saw this act signed into law. In addition, I recognize all those who have championed the expansion of the wilderness system which now encompasses 106,000,000 acres nationwide.

During my 26 years in the U.S. Senate, I have worked to pass three Virginia wilderness bills through Congress. In fact, I recently introduced the Virginia Ridge and Valley Wilderness and National Scenic Areas Act of 2004 which, if passed, would create an additional 29,000 acres of wilderness in southwest Virginia. With 177,214 acres of wilderness, Virginia's wild and beautiful landscapes will remain untouched by civilization. Visitors from across America can experience Virginia's wilderness and enjoy great beauty, solitude, primitive recreation, and nature in its true form.

I feel very strongly that the Wilderness Act is a vehicle whereby we can pay tribute to our great country by preserving some of her heritage and history. Though development, growth and change continue, we will have pockets of undisturbed lands for solitude, reflection, and recreation. In these areas we can keep America's natural diversity, wildlife habitats, and vegetation intact. Through the efforts, passion, and vision of many, we will leave a natural legacy of wildlands to future generations of America.

SENATE RESOLUTION 388—COMMEMORATING THE 150TH ANNIVERSARY OF THE FOUNDING OF THE PENNSYLVANIA STATE UNIVERSITY

Mr. SANTORUM (for himself and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 388

Whereas in 1854, the Farmers' High School was founded in Centre County, Pennsylvania in response to the State Agricultural Society's interest in establishing an educational institution to bring general education and modern farming methods to the farmers of the Commonwealth of Pennsylvania;

Whereas in 1855, the Farmers' High School was granted a permanent charter by the Pennsylvania General Assembly;

Whereas the Morrill Land-Grant Act of 1862 provided for the distribution of grants of public lands owned by the Federal Government to the States for establishing and maintaining institutions of higher learning;

Whereas in 1863, the Commonwealth accepted a grant of land provided through such Act, establishing one of the first two land-grant institutions in the United States, and designated the Farmers' High School, renamed the Agricultural College of Pennsylvania, as the Commonwealth's sole land-grant institution;

Whereas in 1874, the Agricultural College of Pennsylvania was renamed The Pennsylvania State College and in 1953, such was renamed The Pennsylvania State University;

Whereas with a current enrollment of 83,000, The Pennsylvania State University consists of 11 academic schools, 20 additional campuses located throughout the Commonwealth, the College of Medicine, The Dickinson School of Law, and The Pennsylvania College of Technology;

Whereas 1 in every 8 Pennsylvanians with a college degree, 1 in every 720 Americans, 1 in every 50 engineers, and 1 in every 4 meteorologists are alumni of The Pennsylvania State University;

Whereas formed in 1870, The Pennsylvania State University Alumni Association is the largest dues-paying alumni association in the nation;

Whereas The Pennsylvania State University has the largest outreach effort in United States higher education, delivering programs to learners in 87 countries and all 50 States;

Whereas The Pennsylvania State University consistently ranks in the top 3 universities in terms of SAT scores received from high school seniors;

Whereas The Pennsylvania State University annually hosts the largest student-run philanthropic event in the world, which benefits the Four Diamonds Fund for families with children being treated for cancer;

Whereas the missions of instruction, research, outreach and extension continue to be the focus of The Pennsylvania State University;

Whereas The Pennsylvania State University is renowned for the following: the rechargeable heart pacemaker design, the heart-assist pump design, 4 astronauts to have flown in space including the first African-American, and the first institution to offer an Agriculture degree; and

Whereas The Pennsylvania State University is one of the most highly regarded research universities in the nation, with an outreach extension program that reaches nearly 1 out of 2 Pennsylvanians a year and an undergraduate school of immense scope and popularity: Now, therefore, be it

Resolved, That the Senate commemorates the 150th anniversary of the founding of The Pennsylvania State University and congratulates its faculty, staff, students, alumni, and friends on the occasion.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3464. Mr. BROWNBACK proposed an amendment to amendment SA 3235 proposed by Mr. BROWNBACK 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 3465. Mr. REID (for Mr. DORGAN (for himself, Ms. SNOWE, and Ms. CANTWELL)) proposed an amendment to amendment SA 3235 proposed by Mr. BROWNBACK to the bill S. 2400, supra.

SA 3466. Mr. REID (for Mr. HOLLINGS) proposed an amendment to amendment SA 3235 proposed by Mr. BROWNBACK to the bill S. 2400, supra.

SA 3467. Mr. ENSIGN proposed an amendment to amendment SA 3315 proposed by Ms. LANDRIEU to the bill S. 2400, supra.

SA 3468. Mr. DASCHLE (for himself, Mr. DORGAN, Mrs. MURRAY, Mr. NELSON, of Florida, Mr. KERRY, Mr. REID, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mrs. BOXER, and Mr. DAYTON) proposed an amendment to amendment SA 3409 proposed by Mr. DASCHLE to the bill S. 2400, supra.

SA 3469. Mr. REID proposed an amendment to amendment SA 3387 proposed by Mr. LEAHY to the bill S. 2400, supra.

SA 3470. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3315 proposed by Ms. LANDRIEU to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3471. Mr. WARNER proposed an amendment to the bill S. 2400, supra.

SA 3472. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3473. Mr. FRIST (for Mrs. FEINSTEIN) proposed an amendment to the joint resolution S.J. Res. 33, expressing support for freedom in Hong Kong.

TEXT OF AMENDMENTS

SA 3464. Mr. BROWNBACK proposed an amendment to amendment SA 3235 proposed by Mr. BROWNBACK 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; as follows:

Strike page 1 line 2 through page 3 line 3 and insert the following:

SEC. ____ BROADCAST DECENCY ENFORCEMENT ACT OF 2004.

(a) SHORT TITLE.—This section may be cited as the "Broadcast Decency Enforcement Act of 2004".

(b) INCREASE IN PENALTIES FOR OBSCENE, INDECENT, AND PROFANE BROADCASTS.—Section 503(b)(2) of the Communications Act of 1934 (47 U.S.C. 503(b)(2)) is amended—

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

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

“(C) Notwithstanding subparagraph (A), if the violator is—

“(i)(I) a broadcast station licensee or permittee; or

“(II) an applicant for any broadcast license, permit, certificate, or other instrument or authorization issued by the Commission; and

“(ii) determined by the Commission under paragraph (1) to have broadcast obscene, indecent, or profane language, the amount of any forfeiture penalty determined under this subsection shall not exceed \$275,000 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of \$3,000,000 for any single act or failure to act.”; and

(3) in subparagraph (D), as redesignated by paragraph (1), by striking “subparagraph (A) or (B)” and inserting “subparagraph (A), (B), or (C)”.

(c) EFFECTIVE DATE.—This section shall take effect 2 days after the date of enactment of this section.

SA 3465. Mr. REID (for Mr. DORGAN (for himself, Ms. SNOWE, and Ms. CANTWELL)) proposed an amendment to