

(2) Section 6401(b)(1) of such Code is amended by striking "and G" and inserting "G, and H".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

By Mr. DEWINE (for himself and Mr. KOHL):

S. 1797. A bill to implement antitrust enforcement enhancements and cooperation incentives; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today, with my colleague Senator DEWINE, to introduce the "Antitrust Criminal Penalty Enhancement and Reform Act of 2003." This important bipartisan antitrust reform bill will strengthen the procedures under which antitrust settlements are reviewed by the courts, will increase criminal penalties for the most egregious antitrust violations, and will enhance the Justice Department's existing leniency program to encourage more antitrust criminal wrongdoers to come forward and thereby significantly assist the Department in detecting and preventing antitrust conspiracies.

This bill will accomplish three important goals. First, it will strengthen the review of the Justice Department's civil antitrust settlements under the Tunney Act. The Tunney Act is an important statute, passed nearly thirty years ago, that insures the public interest and consumers are protected when the Justice Department settles civil antitrust cases. The Tunney Act requires that, before entering any proposed consent judgment proposed by the Justice Department, the court must determine that the judgment is in the public interest. The statute also contains strict procedures for the public disclosure of proposed antitrust consent decrees and an opportunity for public comment.

The Tunney Act was passed in 1974 in response to concerns that some Justice Department settlements were motivated by inappropriate political pressure and were simply inadequate to restore competition or protect consumers. Congress concluded that review by the district courts to be an essential safeguard to deter the Justice Department from settling cases without regard for the public interest or the interest of affected consumers. The Tunney Act was enacted to end the then-prevalent practice of district judges "rubber stamping" antitrust consent decrees.

Unfortunately, in recent years, many courts—including specifically the U.S. Court of Appeals for the District of Columbia Circuit—have misconstrued the plain meaning of the Tunney Act and have returned to the practice of "rubber stamp" review of antitrust settlements. The controlling precedent in the D.C. Circuit is now that trial courts must enter antitrust consent decrees as long as they do not make a "mockery of the judicial power." This standard is contrary to the intent of

the Tunney Act and effectively strips the courts of the ability to engage in meaningful review of antitrust settlements.

Our bill will restore the original intent of the Tunney Act by First, providing that courts are to independently determine that antitrust settlements are in the public interest, second, setting forth a specific list of factors that a court must examine in the course of its public interest review—rather than may consider as the statute is currently written, and third, requiring the government establish that substantial evidence and reasoned analysis supports the government's belief that the consent judgment is in the public interest. These provisions will make clear that the court has the authority to conduct a meaningful review to ensure that antitrust settlements are not contrary to the public interest, or to competition.

Second, the bill will enhance criminal penalties for those who violate our antitrust laws. It will increase the maximum corporate penalty from \$10 to \$100 million, will increase the maximum individual fine from \$350,000 to \$1 million, and increase the maximum jail term for individuals who are convicted of criminal antitrust violations from three to ten years. These changes will send the proper message that criminal antitrust violations—crimes such as price fixing and bid rigging—committed by business executives in a boardroom are serious offense that steal from American consumers just as effectively as does a street criminal with a gun. We have all learned through unfortunate experience in the last few years at some of our largest at most respected corporations the serious consequences of crime in the boardroom, with literally tens of millions of dollars being looted from shareholders. These examples of corporate malfeasance teach us that criminal sanctions for white collar crime must be serious enough to deter such misbehavior, and our bill will help ensure our antitrust penalties are strong enough to accomplish this mission.

Finally, this bill will give the Justice Department significant new tools under its antitrust leniency program. The leniency program rewards the first member of a criminal antitrust conspiracy to admit its crime to the Justice Department by granting the wrongdoer criminal amnesty. This is an important tool for law enforcement officials to detect and break up cartels that fix prices and limit supply in our economy. This new provision will give the Justice Department the ability to offer those applying for leniency the additional reward of only facing actual damages in civil suits arising out of the antitrust conspiracy, rather than the treble damage liability to which they would otherwise be subject. This statutory change will remove a significant disincentive to those who would be likely to seek criminal amnesty and should result in a substantial increase

in the number of antitrust conspiracies being detected.

Each of these three reforms are important measures will significantly enhance the enforcement of our nation's antitrust laws. I urge my colleagues to support this important measure.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 253—TO RECOGNIZE THE EVOLUTION AND IMPORTANCE OF MOTORSPORTS

Mr. CAMPBELL (for himself, Mr. KYL, and Mr. NELSON of Florida) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 253

Whereas on March 26, 1903, an automotive race was held on a beach in Volusia County, Florida, inaugurating 100 years of motorsports;

Whereas 100 years later, motorsports are the fastest growing sports in the country;

Whereas races occur at hundreds of motorsport facilities in all 50 States;

Whereas racing fans can enjoy a wide variety of motorsports sanctioned by organizations that include Championship Auto Racing Teams (CART), Grand American Road Racing (Grand Am), Indy Racing League (IRL), International Motorsports Association (IMSA), National Association for Stock Car Automobile Racing (NASCAR), National Hot Road Association (NHRA), Sports Car Club of America (SCCA), and United States Auto Club (USAC);

Whereas the research and development of vehicles used in motorsports have directly contributed to improvements in safety and technology for the automobiles and motor vehicles used by hundreds of millions of Americans;

Whereas 13,000,000 fans will attend NASCAR races alone in 2003;

Whereas fans of all ages spend days at motorsport facilities participating in a variety of interactive theme and amusement activities surrounding races;

Whereas motorsport facilities that provide these theme and amusement activities contribute millions of dollars into local economies;

Whereas motorsports make a significant contribution to the national economy; and

Whereas tens of millions of people in the United States enjoy the excitement and speed of motorsports every week: Now, therefore, be it

Resolved, That the Senate recognizes the evolution of motorsports and honors those who have helped create and build this great American pastime.

Mr. CAMPBELL. Mr. President, today I am submitting a resolution that recognizes the importance of motorsports in America and their century of evolution. 100 years ago last March, Ormond-Daytona Beach in Volusia County, Florida was the venue for the very first annual "Winter Automobile Racing Meet." This race is now recognized as the genesis of organized auto racing, giving Ormond-Daytona Beach the title of "Birthplace of Speed." In the decades that have followed, motorsports have evolved from scattered impromptu events to the second most popular sport in the United States.

Motorsports is now the fastest growing sport in the country, drawing millions of spectators and tens of millions of television viewers each year. For example, 13 million fans will attend NASCAR races alone in 2003. Millions of additional fans will attend races sanctioned by the Automobile Racing Club of America, (ACRA); Championship Auto Racing Teams (CART); Indy Racing League (IRL); and the Sports Car Club of America (SCCA).

Tracks are found throughout the country, with over 900 facilities in all 50 States hosting races sponsored by sanctioning bodies. These tracks make significant contributions to the economies of our communities, ranging from smaller facilities that host weekly racing series to the largest superspeedways such as Talladega and Daytona.

Fans travel hundreds and sometimes thousands of miles to attend these races, frequently arriving several days ahead of the headline event. Once at the destination track, they enjoy a variety of interactive entertainment attractions, including racing simulators, concerts, memorabilia vendors, hospitality facilities, opportunities to meet drivers, tours of the track and garage areas, etc. Motorsports entertainment facilities are amusement parks, dedicated to the themes of speed and competition.

My resolution today recognizes the importance and growth of motorsports. I urge my colleagues to support this resolution, which honors the motorsports entertainment industry for its impressive contributions to the national economy and its ongoing evolution.

**SENATE RESOLUTION 254—COM-
MENDING THE FLORIDA MAR-
LINS BASEBALL TEAM FOR WIN-
NING THE 2003 WORLD SERIES**

Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) submitted the following resolution; which was considered and agreed to:

S. RES. 254

Whereas on October 25, 2003, the Florida Marlins defeated the New York Yankees, 2 to 0, in Game 6 of the World Series, to capture their second World Series title in the 11 seasons of the franchise;

Whereas the Florida Marlins became the first visiting team to celebrate a World Series championship in Yankee Stadium since the Los Angeles Dodgers in 1981;

Whereas under the leadership of manager Jack McKeon, general manager Larry Beinfest, and team owner Jeffrey Loria, the Marlins compiled the best record in baseball since May 23, 2003, becoming only the ninth team in Major League Baseball history to rebound from at least 10 games under .500 to reach the playoffs;

Whereas each player, manager, coach, trainer, and administrator of the Florida Marlins contributed to a magical turnaround that resulted in the Florida Marlins reaching the pinnacle of the sport, a World Series Championship;

Whereas the manager of the Florida Marlins, Jack McKeon, became the oldest manager in Major League Baseball history to win

the World Series, and led Florida to the title after joining the team in May of 2003;

Whereas Florida Marlins pitcher Josh Beckett was named World Series Most Valuable Player, after pitching a complete game, 5 hit shutout, on 3 days rest in Yankee Stadium during Game 6 of the World Series;

Whereas young stars like Miguel Cabrera, Juan Pierre, and Luis Castillo combined with established veterans like Ivan Rodriguez and Jeff Conine to produce an exciting, never-say-die team that won over fans around the country during an unexpected march to the World Series;

Whereas the Florida Marlins upset the San Francisco Giants in 4 games to win the Division Series, then stunned the Chicago Cubs by coming back from a 3 games to 1 deficit to win the National League Championship Series in 7 games; and

Whereas fans of the Florida Marlins and the South Florida community demonstrated commendable team support and pride: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Florida Marlins for winning the 2003 World Series;

(2) recognizes the achievements of the players, coaches, and support staff who were instrumental in securing a second World Series title for the Florida Marlins;

(3) commends the support and pride of the fans of the Florida Marlins; and

(4) directs the Secretary of the Senate to transmit for appropriate display an enrolled copy of this resolution to—

(A) the owner of the Florida Marlins, Jeffrey Loria;

(B) the general manager of the Florida Marlins, Larry Beinfest;

(C) the manager of the Florida Marlins, Jack McKeon; and

(D) each player and coach of the 2003 World Series Champion Florida Marlins baseball team.

**AMENDMENTS SUBMITTED AND
PROPOSED**

SA 2025. Mrs. BOXER (for herself, Mrs. CLINTON, and Mr. DAYTON) proposed an amendment to the bill H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes.

SA 2026. Mrs. BOXER (for herself and Mrs. CLINTON) proposed an amendment to the bill H.R. 1904, *supra*.

SA 2027. Mr. CORZINE (for himself, Mr. LAUTENBERG, Mr. DODD, Mr. SCHUMER, Mrs. CLINTON, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1904, *supra*; which was ordered to lie on the table.

SA 2028. Mr. LIEBERMAN (for himself, Mr. MCCAIN, Ms. SNOWE, Mrs. FEINSTEIN, Mr. CHAFEE, Mr. DURBIN, Mr. AKAKA, Mrs. MURRAY, Mr. LAUTENBERG, Mr. EDWARDS, Mr. BIDEN, Mr. CARPER, Mr. NELSON, of Florida, Mr. CORZINE, and Ms. CANTWELL) proposed an amendment to the bill S. 139, to provide for a program of scientific research on abrupt climate change, to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances that could be used interchangeably with passenger vehicle fuel economy standard cred-

its, to limit greenhouse gas emissions in the United States and reduce dependence upon foreign oil, and ensure benefits to consumers from the trading in such allowances.

SA 2029. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2025. Mrs. BOXER (for herself, Mrs. CLINTON, and Mr. DAYTON) proposed an amendment to the bill H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

At the appropriate place, insert the following:

**TITLE . FIREFIGHTERS MEDICAL
MONITORING ACT**

SEC. 1. SHORT TITLE.

This Title shall be referred to as the "Firefighters Medical Monitoring Act of 2003".

**SECTION 2. MONITORING OF FIREFIGHTERS IN
DISASTER AREAS.**

(a) IN GENERAL.—The National Institute for Occupational Safety and Health shall monitor the long-term medical health of those firefighters who fought fires in any area declared a disaster area by the Federal Government.

(b) HEALTH MONITORING.—The long-term health monitoring referred to in subsection (a) shall include, but not be limited to, pulmonary illness, neurological damage, and cardiovascular damage, and shall utilize the medical expertise in the local areas affected.

(c) AUTHORIZATION.—To carry out this Title, there are authorized to be appropriated such sums as may be necessary in each of fiscal years 2004 through 2008.

SA 2026. Mrs. BOXER (for herself and Mrs. CLINTON) proposed an amendment to the bill H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows: