

This revised Honesty in Sweepstakes legislation would go a long way toward protecting our nation's seniors and other vulnerable consumers from misleading and deceptive sweepstakes promotions. This is something we should do this year to protect consumers. I urge my colleagues to pass this legislation before the 105th Congress concludes.

For my colleagues' reference, I ask unanimous consent that this new Honesty in Sweepstakes language be printed in the RECORD.

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

S.—

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

SECTION 1. HONESTY IN SWEEPSTAKES ACT OF 1998.

(a) **SHORT TITLE.**—This Act may be cited as the "Honest in Sweepstakes Act of 1998".

(b) **UNMAILABLE MATTER.**—Section 3001 of title 39, United States Code, is amended by—

(1) redesignating subsections (j) and (k) as subsections (l) and (m), respectively; and
(2) inserting after subsection (i) the following:

"(j)(1) Matter otherwise legally acceptable in the mails that—

"(A) constitutes a solicitation or offer in connection with the sales promotion for a product or service (including any sweepstakes) that includes the chance or opportunity to win anything of value; and
(B) contains words or symbols that suggest that—

"(i) the recipient has or will receive anything of value if that recipient has in fact not won that thing of value; or
(ii) the recipient is likely to receive anything of value if statistically the recipient is not likely to receive anything of value.

shall not be carried or delivered by mail, and may be disposed of as the Postal Service directs, unless such matter bears the notice described in paragraph (2).

"(2) (A) The notice referred to in paragraph (1) is the following notice:

"(i) This is a game of chance (or sweepstakes, if applicable). You have not automatically won. Your chances of winning are (inserting corresponding mathematical probability for each prize shown). No purchase is required either to win a prize or enhance your chances of winning a prize; or a notice to the same effect in words which the Postal Service may prescribe; or
(ii) a standardized Postal Service designed warning label to the same effect as the Postal Service may prescribe.

"(B) The notice described in subparagraph (A) shall be in conspicuous and legible type in contrast by typography, layout, or color with other printing on its face, in accordance with regulations that the Postal Service shall prescribe and be prominently displayed on the first page of the enclosed printed material and on any other pages enclosed.

"(C) If the matter described in paragraph (1) is an envelope, the face of the envelope shall bear the notice described in subparagraph (A).

"(D) If the matter described in paragraph (1) is an order entry device, the face of the order entry device shall bear the following notice:

"This is a game of chance (or sweepstakes, if applicable). No purchase is required either to win a prize or enhance your chances of winning a prize; or a notice to the same effect in words which the Postal Service may prescribe."

"(k) Matter otherwise legally acceptable in the mails that constitutes a solicitation or offer in connection with the sales promotion for a product or service that uses any matter resembling a negotiable instrument shall not be carried or delivered by mail, and may be disposed of as the Postal Service directs, unless such matter bears on the face of the negotiable instrument in conspicuous and legible type in contrast by typography, layout, or color with other printing on its face, in accordance with regulations which the Postal Service shall prescribe the following notice: 'This is not a check (or negotiable instrument). This has no cash value.', or a notice to the same effect in words which the Postal Service may prescribe."

(c) **TECHNICAL AMENDMENT.**—Section 3005(a) of title 39, United States Code, is amended by—

(1) striking "or" after "(h)." both places it appears; and

(2) inserting ". (j). or (k)" after "(i)".

(d) **PENALTIES.**—

(1) **IN GENERAL.**—Section 3012 of title 39, United States Code, is amended—

(A) by redesignating subsections (b), (c), and (d), as subsections (c), (d), and (e), respectively;

(B) by inserting after subsection (a) the following:

"(b) Any person who, through use of the mail, sends any matter which is nonmailable under sections 3001 (a) through (k), 3014, or 2015 of this title, shall be liable to the United States for a civil penalty in accordance with regulations the Postal Service shall prescribe. The civil penalty shall not exceed \$50,000 for each mailing of less than 50,000 pieces; \$100,000 for each mailing of 50,000 to 100,000 pieces; with an additional \$10,000 for each additional 10,000 pieces above 100,000, not to exceed \$2,000,000."

(C) in subsection (c)(1) and (2), as redesignated, by inserting after "of section (a)" the following: "or subsection (b)."; and

(D) in subsection (d), as redesignated, by striking "Treasury of the United States" and inserting "Postal Service Fund established by section 2003 of title title".

(2) **ALLOCATION OF FUNDS.**—It is the sense of Congress that civil penalties collected through the enforcement of the amendment made by paragraph (1) should be allocated by the Postal Service to increase consumer awareness of misleading solicitations received through the mail, including releasing an annual listing of the top 10 offenders of the Honesty in sweepstakes Act of 1998.

(e) **NO PREEMPTION.**—Nothing in this Act shall preempt any State law that regulates advertising or sales promotions or goods and services that includes the chance or opportunity to win anything of value.

Ms. COLLINS. Mr. President, I want to take this opportunity to commend Senator CAMPBELL for his efforts to protect consumers from con artists who try to cheat Americans using deceptive mailings. I am pleased to join in support of his legislation.

Senator CAMPBELL's bill would require a disclosure on mailings to inform individuals that they have not automatically won a prize and that a purchase is not necessary to participate in a sweepstakes contest. New civil penalties could be imposed on violations of the provisions against sending deceptive mail.

Senator CAMPBELL has been a strong leader and forceful advocate for curtailing abuses by sweepstakes firms who send misleading mailings that suggest that people have won hundreds of

thousands, or even millions, of dollars. Such deceptive mailings have caused people across the country to buy unnecessary products or to send money in the hope of winning a large prize. One scam even prompted some individuals to fly to Florida thinking they had won the grand prize in a major sweepstakes.

Millions of Americans have received sweepstakes letters that use deceptive marketing ploys to encourage the purchase of magazines and other products. A common tactic is a promise of winnings printed in large type, such as: "You Were Declared One of Our Latest Sweepstakes Winners And You're About to Be Paid \$833,337 in Cash!" Of course, the recipient isn't really a winner, as the fine print said the money is won only "If you have and return the grand prize winning number in time."

Another problem is what I call "government look-alike mailings," which look deceptively like mailings from Federal agencies. An example of such a deceptive mailing was sent to be by a woman from Machiasport, Maine. The letter was marked "Urgent Delivery, A Special Notification of Cash Currently Being Held by the U.S. Government is ready for shipment to you." A postcard asks the consumer to send \$9.97 to learn how to receive this cash. Of course, this was not a legitimate mailing from the Federal Government, but simply a ploy used by an unscrupulous individual to trick an unsuspecting consumer into sending money.

The experience of my constituents, as well as testimony presented by Senator CAMPBELL and others at the hearing chaired by our colleague, Senator COCHRAN, convinced me that Congress must pass strong legislation to stop sweepstakes fraud and deceptive mailings.

As Chairman of the Permanent Subcommittee on Investigations, I have focused our agenda on a number of consumer frauds, and I will be working with Senator COCHRAN to further examine the issue of deceptive mailings in the coming months. I commend Senator CAMPBELL for his leadership and look forward to working with him on this issue next year.

PROSTATE CANCER RESEARCH

Mr. COVERDELL. Mr. President, I rise today to express my support for prostate cancer research, and to thank Senator STEVENS and my other colleagues for their leadership on this important issue. While I am pleased with the strides this Congress has made in funding research at the National Institutes of Health (NIH), I share the concern that the allocation of NIH funds may be done in a manner disproportionate to a disease's severity and occurrence. I understand that prostate cancer research is one of those areas. Without discounting the NIH's other meritorious pursuits, I nevertheless wish to offer my support for assuring a larger allocation of NIH funding to prostate cancer research. It is my hope

that as the appropriations process continues, the negotiators will give fair and appropriate consideration to the Senate's \$175 million earmark for prostate cancer research.

TRIBUTE TO SENATOR DALE BUMPERS

Mr. NICKLES. Mr. President, I would like to pay a brief tribute to my friend and colleague and neighbor from the State of Arkansas for his 24 years of service in the Senate.

I have had the pleasure of working with Senator DALE BUMPERS since I was elected to the Senate 18 years ago. So I am completing three terms. He is just completing four terms. Twenty-four years in the Senate is a long time. But I think the Senate has been blessed by his humor, his levity. The camaraderie that Senator BUMPERS has brought to the Senate floor and to the Senate group has been enjoyable, educational, and humorous, to say the least.

I have had the pleasure of serving with Senator BUMPERS on the Energy Committee where he has been ranking member for the last several years. We have worked together on a lot of legislation. We passed some good legislation, I might add, as well. So I compliment him for his years of service.

He served 4 years as Governor of Arkansas; I think he was elected in 1970; and elected to the U.S. Senate in 1974. It seems like he has been in the same chair for years. He has been the same Senator who will still get excited on a speech and pull his microphone cord to the limit. Maybe he might test the limit of the cord as much as anybody I know in the Senate—a very good speaker, a very good friend who has served his State very well.

We worked together on several pieces of legislation, including legislation that dealt with the exchange of lands, both for the Forest Service and for protecting lands in both Arkansas and Oklahoma, that would not have happened if it had not been for his good work and leadership. And frankly, he was a pleasure to work with on that bill, and many other pieces of legislation throughout our careers.

So I certainly wish DALE BUMPERS and his wife Betty every best wish in their days ahead. He has made a valuable contribution as a Member of the U.S. Senate and as a Member of our Senate family.

Mr. President, I yield the floor.

Mr. JEFFORDS addressed the Chair. The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Let me first join my good friend from Oklahoma in his accolades for Senator BUMPERS. I expect that I, as a Republican, probably supported some of Senator BUMPERS' pieces of legislation more than any other Republican. And I had an opportunity to work with him on many that were not popular with some of the people, especially in the far West. But I

point out that I have enjoyed so much working with him, especially on things which most all of us agreed on, as the preservation of Civil War sites and other of our historical aspects which are so important to this Nation.

I am going to be so sorry to see him leave. We had many wonderful times together. And I expect we will have some more out in his great State.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting one withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:04 a.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4104) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that Speaker has signed the following enrolled bill:

S. 2392. An act to encourage the disclosure and exchange of information about computer processing problems, solutions, test practices and test results, and related matters in connection with the transition to the year 2000.

Under the authority of the order of today, October 8, 1998, the enrolled bill was signed subsequently by the Acting President pro tempore (Mr. DEWINE).

At 1:50 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 804. An act to amend part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to ensure that Federal funds made available to hire or rehire law enforcement officers are used in a manner that produces a net gain of the number of law enforcement officers who perform non-administrative public safety services.

H.R. 2348. An act to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the "Mervyn Dymally Post Office Building."

H.R. 2921. An act to promote the competitive viability of direct-to-home satellite television service.

H.R. 3783. An act to amend the Communications Act of 1934 to require persons who are engaged in the business of distributing, by means of the World Wide Web, material that is harmful to minors to restrict access to such material by minors, and for other purposes.

H.R. 4151. An act to amend chapter 47 of title 18, United States Code, relating to identify fraud, and for other purposes.

H.R. 4293. An act to establish a cultural training program for disadvantaged individuals to assist the Irish peace process.

H.R. 4616. An act to designate the United States Post Office located at 3813 Main Street in East Chicago, Indiana, as the "Corporal Harold Gomez Post Office."

H.R. 4679. An act to amend the Federal Food, Drug, and Cosmetic Act to clarify the circumstances in which a substance is considered to be a pesticide chemical for purposes of such Act, and for other purposes.

The message also announced that the House has passed the following bills, without amendment:

S. 53. An act to require the general application of the antitrust laws to major league baseball, and for other purposes.

S. 505. An act to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes.

S. 1892. An act to provide that a person closely related to a judge of a court exercising judicial power under article III of the United States Constitution (other than the Supreme Court) may not be appointed as a judge of the same court, and for other purposes.

S. 1976. An act to increase public awareness of the plight of victims of crime with developmental disabilities, to collect data to measure the magnitude of the problem, and to develop strategies to address the safety and justice needs of victims of crime with developmental disabilities.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 2022. An act to provide for the improvement of interstate criminal justice identification, information, communications, and forensics.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 8) to amend the Clean Air Act to deny entry into the United States of certain foreign motor vehicles that do not comply with State laws governing motor vehicles emissions, and for other purposes.

At 3:48 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 131. Joint resolution waiving certain enrollment requirements for the remainder of the One Hundred Fifth Congress with respect to any bill or joint resolution making general or continuing appropriations for fiscal year 1999.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated: