

(3) develop effective safety improvement policies and programs.

(b) DESIGN.—The study shall be designed to yield information that will help the Department and the States identify activities and other measures likely to lead to significant reductions in the frequency, severity, and rate per mile traveled of crashes involving commercial motor vehicles, including vehicles described in section 31132(1)(B) of title 49, United States Code. As practicable, the study shall rank such activities and measures by the reductions each would likely achieve, if implemented.

(c) CONSULTATION.—In designing and conducting the study, the Secretary shall consult with persons with expertise on—

- (1) crash causation and prevention;
- (2) commercial motor vehicles, drivers, and carriers, including passenger carriers;
- (3) highways and noncommercial motor vehicles and drivers;
- (4) Federal and State highway and motor carrier safety programs;
- (5) research methods and statistical analysis; and
- (6) other relevant topics.

(d) PUBLIC COMMENT.—The Secretary shall make available for public comment information about the objectives, methodology, implementation, findings, and other aspects of the study.

(e) REPORTS.—

(1) IN GENERAL.—The Secretary shall promptly transmit to Congress the results of the study, together with any legislative recommendations.

(2) REVIEW AND UPDATE.—The Secretary shall review the study at least once every 5 years and update the study and report as necessary.

(f) FUNDING.—Of the amounts made available for each of fiscal years 2001, 2002, and 2003 under section 4003(i) of the Transportation Equity Act for the 21st Century (112 Stat. 395–398), as added by section 103(b)(1) of this Act, \$5,000,000 per fiscal year shall be available only to carry out this section.

SEC. 225. DATA COLLECTION AND ANALYSIS.

(a) IN GENERAL.—In cooperation with the States, the Secretary shall carry out a program to improve the collection and analysis of data on crashes, including crash causation, involving commercial motor vehicles.

(b) PROGRAM ADMINISTRATION.—The Secretary shall administer the program through the National Highway Traffic Safety Administration in cooperation with the Federal Motor Carrier Safety Administration. The National Highway Traffic Safety Administration shall—

(1) enter into agreements with the States to collect data and report the data by electronic means to a central data repository; and

(2) train State employees and motor carrier safety enforcement officials to assure the quality and uniformity of the data.

(c) USE OF DATA.—The National Highway Traffic Safety Administration shall—

(1) integrate the data, including driver citation and conviction information; and

(2) make the data base available electronically to the Federal Motor Carrier Safety Administration, the States, motor carriers, and other interested parties for problem identification, program evaluation, planning, and other safety-related activities.

(d) REPORT.—Not later than 3 years after the date on which the improved data program begins, the Secretary shall transmit a report to Congress on the program, together with any recommendations the Secretary finds appropriate.

(e) FUNDING.—Of the amounts deducted under section 104(a)(1)(B) of title 23, United States Code, for each of fiscal years 2001,

2002, and 2003 \$5,000,000 per fiscal year shall be available only to carry out this section.

(f) ADDITIONAL FUNDING FOR INFORMATION SYSTEMS.—

(1) IN GENERAL.—Of the amounts made available for each of fiscal years 2001, 2002, and 2003 under section 4003(i) of the Transportation Equity Act for the 21st Century (112 Stat. 395–398), as added by section 103(b)(1) of this Act, \$5,000,000 per fiscal year shall be available only to carry out section 31106 of title 49, United States Code.

(2) AMOUNTS AS ADDITIONAL.—The amounts made available by paragraph (1) shall be in addition to amounts made available under section 31107 of title 49, United States Code.

SEC. 226. DRUG TEST RESULTS STUDY.

(a) IN GENERAL.—The Secretary shall conduct a study of the feasibility and merits of—

(1) requiring medical review officers or employers to report all verified positive controlled substances test results on any driver subject to controlled substances testing under part 382 of title 49, Code of Federal Regulations, including the identity of each person tested and each controlled substance found, to the State that issued the driver's commercial driver's license; and

(2) requiring all prospective employers, before hiring any driver, to query the State that issued the driver's commercial driver's license on whether the State has on record any verified positive controlled substances test on such driver.

(b) STUDY FACTORS.—In carrying out the study under this section, the Secretary shall assess—

(1) methods for safeguarding the confidentiality of verified positive controlled substances test results;

(2) the costs, benefits, and safety impacts of requiring States to maintain records of verified positive controlled substances test results; and

(3) whether a process should be established to allow drivers—

(A) to correct errors in their records; and

(B) to expunge information from their records after a reasonable period of time.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the study carried out under this section, together with such recommendations as the Secretary determines appropriate.

SEC. 227. APPROVAL OF AGREEMENTS.

(a) REVIEW.—Section 13703(c) of title 49, United States Code, is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(2) by striking “The Board” and inserting the following:

“(1) IN GENERAL.—The Board”;

(3) by adding at the end the following:

“(2) PERIODIC REVIEW OF APPROVALS.—Subject to this section, in the 5-year period beginning on the date of enactment of this paragraph and in each 5-year period thereafter, the Board shall initiate a proceeding to review any agreement approved pursuant to this section. Any such agreement shall be continued unless the Board determines otherwise.”; and

(4) by moving the remainder of the text of paragraph (1) (as designated by paragraph (2) of this subsection), including subparagraphs (A) through (D) (as designated by paragraph (1) of this subsection), 2 ems to the right.

(b) LIMITATION.—Section 13703(d) of such title is amended to read as follows:

“(d) LIMITATION.—The Board shall not take any action that would permit the establishment of nationwide collective ratemaking authority.”.

(c) EXISTING AGREEMENTS.—Section 13703(e) of such title is amended—

(1) by striking “Agreements” and inserting the following:

“(1) AGREEMENTS EXISTING AS OF DECEMBER 31, 1995.—Agreements”;

(2) by adding at the end the following:

“(2) CASES PENDING AS OF DATE OF ENACTMENT.—Nothing in section 227 (other than subsection (b)) of the Motor Carrier Safety Improvement Act of 1999, including the amendments made by such section, shall be construed to affect any case brought under this section that is pending before the Board as of the date of enactment of this paragraph.”; and

(3) by aligning the left margin of paragraph (1) (as designated by paragraph (1) of this subsection) with paragraph (2) (as added by paragraph (2) of this subsection).

SEC. 228. DOT AUTHORITY.

(a) IN GENERAL.—The statutory authority of the Inspector General of the Department of Transportation includes authority to conduct, pursuant to Federal criminal statutes, investigations of allegations that a person or entity has engaged in fraudulent or other criminal activity relating to the programs and operations of the Department or its operating administrations.

(b) REGULATED ENTITIES.—The authority to conduct investigations referred to in subsection (a) extends to any person or entity subject to the laws and regulations of the Department or its operating administrations, whether or not they are recipients of funds from the Department or its operating administrations.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONTINUING REPORTING REQUIREMENTS OF SECTION 2519 OF TITLE 18, U.S.C., BEYOND DECEMBER 21, 1999

Mr. COBLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1769) to continue the reporting requirements of section 2519 of title 18, United States Code, beyond December 21, 1999, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Ms. LOFGREN. Mr. Speaker, reserving the right to object, I yield to the gentleman from North Carolina (Mr. COBLE), the chairman of the subcommittee, for a brief explanation of the bill.

Mr. COBLE. Mr. Speaker, I thank the gentlewoman from California (Ms. LOFGREN) for yielding.

Mr. Speaker, the Federal Reports Elimination and Sunset Act of 1995 provided that all periodic reports provided to Congress will sunset on December 21, 1999, unless reauthorized by the Congress. The intent of the Act was to spur Congress to reexamine all the periodic reports it receives and eliminate the obsolete ones.

After careful review, the Committee on the Judiciary determined that about 40 reports out of the thousands of reports subject to sunset are required for the committee to perform its legislative and oversight duties.

Examples include the United States Department of Justice's annual report on crime statistics and the Immigration and Naturalization Service's annual statistical report.

The bill passed the House on the suspension calendar. The companion Senate bill adds two more reports which the Senate has asked to be continued. The motion which I will make will continue all the reports contained in the House bill and the two additional reports contained in the Senate bill into one bill and send it back to the Senate for passage and presentment to the President.

Ms. LOFGREN. Mr. Speaker, continuing to reserve the right to object, I would like to note that the Sunset Act itself forces Congress to reexamine the usefulness of the reports. But, as the chairman has pointed out, there are some of these reports that are very important. And I am pleased to report that there has been a bipartisan effort to identify the very same reports the chairman has mentioned today.

We believe, on a bipartisan basis, that the reports identified and preserved under this Act will continue to provide information important to legislative and to oversight processes and, in particular, that it will allow the Congress to make sure that privacy is protected. And for that reason, if no other, we do need to act today.

Mr. Speaker, I would like to add finally a note of thanks to the Committee on the Judiciary's staff that worked on this measure, my own special counsel John Flannery; Cassandra Butts in the office of the minority leader, the gentleman from Missouri (Mr. GEPHARDT); and finally, the gentleman from Missouri (Mr. GEPHARDT) himself, who really was very passionate in making sure that the privacy issues that will be protected by this bill were brought to the forefront so that we could be here today on this bipartisan basis to make sure that this is enacted.

Mr. COBLE. Mr. Speaker, if the gentlewoman will continue to yield, I think she commented about staff. I want to add the name of Jim Wilon. Jim did great work on this matter, as well.

Ms. LOFGREN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1769

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 "Continued Reporting of Intercepted Wire, Oral, and Electronic Communications Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Section 2519(3) of title 18, United States Code, requires the Director of the Adminis-

trative Office of the United States Courts to transmit to Congress a full and complete annual report concerning the number of applications for orders authorizing or approving the interception of wire, oral, or electronic communications. This report is required to include information specified in section 2519(3).

(2) The Federal Reports Elimination and Sunset Act of 1995 provides for the termination of certain laws requiring submittal to Congress of annual, semiannual, and regular periodic reports as of December 21, 1999, 4 years from the effective date of that Act.

(3) Due to the Federal Reports Elimination Act and Sunset Act of 1995, the Administrative Office of United States Courts is not required to submit the annual report described in section 2519(3) of title 18, United States Code, as of December 21, 1999.

SEC. 3. CONTINUED REPORTING REQUIREMENTS.

(a) CONTINUED REPORTING REQUIREMENTS.—Section 2519 of title 18, United States Code, is amended by adding at the end the following:

"(4) The reports required to be filed by subsection (3) are exempted from the termination provisions of section 3003(a) of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104-66)."

(b) EXEMPTION.—Section 3003(d) of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104-66) is amended—

(1) in paragraph (31), by striking "or" at the end;

(2) in paragraph (32), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(33) section 2519(3) of title 18, United States Code."

SEC. 4. ENCRYPTION REPORTING REQUIREMENTS.

Section 2519(1)(b) of title 18, United States Code, is amended by striking "and (iv)" and inserting "(iv) the number of orders in which encryption was encountered and whether such encryption prevented law enforcement from obtaining the plain text of communications intercepted pursuant to such order, and (v)".

SEC. 5. REPORTS CONCERNING PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 3126 of title 18, United States Code, is amended by striking the period and inserting ", which report shall include information concerning—

"(1) the period of interceptions authorized by the order, and the number and duration of any extensions of the order;

"(2) the offense specified in the order or application, or extension of an order;

"(3) the number of investigations involved;

"(4) the number and nature of the facilities affected; and

"(5) the identity, including district, of the applying investigative or law enforcement agency making the application and the person authorizing the order."

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. COBLE

Mr. COBLE. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the Nature of a Substitute Offered by Mr. COBLE:

"Strike out all after the enacting clause of the Senate bill and insert:

SECTION 1. EXEMPTION OF CERTAIN REPORTS FROM AUTOMATIC ELIMINATION AND SUNSET.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) The following sections of title 18, United States Code: sections 2519(3), 2709(e), 3126, and 3525(b).

(2) The following sections of title 28, United States Code: sections 522, 524(c)(6), 529, 589a(d), and 594.

(3) Section 3718(c) of title 31, United States Code.

(4) Section 9 of the Child Protection Act of 1984 (28 U.S.C. 522 note).

(5) Section 8 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997f).

(6) The following provisions of the Omnibus Crime Control and Safe Streets Act of 1968: sections 102(b) (42 U.S.C. 3712(b)), 520 (42 U.S.C. 3766), 522 (42 U.S.C. 3766b), and 810 (42 U.S.C. 3789e).

(7) The following provisions of the Immigration and Nationality Act: sections 103 (8 U.S.C. 1103), 207(c)(3) (8 U.S.C. 1157(c)(3)), 412(b) (8 U.S.C. 1522(b)), and 413 (8 U.S.C. 1523), and subsections (h), (l), (o), (q), and (r) of section 286 (8 U.S.C. 1356).

(8) Section 3 of the International Claims Settlement Act of 1949 (22 U.S.C. 1622).

(9) Section 9 of the War Claims Act of 1948 (50 U.S.C. App. 2008).

(10) Section 13(c) of the Act of September 11, 1957 (8 U.S.C. 1255b(c)).

(11) Section 203(b) of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. App. 1989c-2(b)).

(12) Section 801(e) of the Immigration Act of 1990 (29 U.S.C. 2920(e)).

(13) Section 401 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1364).

(14) Section 707 of the Equal Credit Opportunity Act (15 U.S.C. 1691f).

(15) Section 201(b) of the Privacy Protection Act of 1980 (42 U.S.C. 2000aa-11(b)).

(16) Section 609U of the Justice Assistance Act of 1984 (42 U.S.C. 10509).

(17) Section 13(a) of the Classified Information Procedures Act (18 U.S.C. App.).

(18) Section 1004 of the Civil Rights Act of 1964 (42 U.S.C. 2000g-3).

(19) Section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414).

(20) Section 11 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 621).

(21) The following provisions of the Foreign Intelligence Surveillance Act of 1978: sections 107 (50 U.S.C. 1807) and 108 (50 U.S.C. 1808).

(22) Section 102(b)(5) of the Department of Justice and Related Agencies Appropriations Act, 1993 (28 U.S.C. 533 note).

SEC. 2. ENCRYPTION REPORTING REQUIREMENTS.

(a) Section 2519(2)(b) of title 18, United States Code, is amended by striking "and (iv)" and inserting "(iv) the number of orders in which encryption was encountered and whether such encryption prevented law enforcement from obtaining the plain text of communications intercepted pursuant to such order, and (v)".

(b) The encryption reporting requirement in subsection (a) shall be effective for the report transmitted by the Director of the Administrative Office of the Courts for calendar year 2000 and in subsequent reports.

SEC. 3. REPORTS CONCERNING PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 3126 of title 18, United States Code, is amended by striking the period and inserting ", which report shall include information concerning—

"(1) the period of interceptions authorized by the order, and the number and duration of any extensions of the order;

"(2) the offense specified in the order or application, or extension of an order;

"(3) the number of investigations involved;

"(4) the number and nature of the facilities affected; and

"(5) the identity, including district, of the applying investigative or law enforcement

agency making the application and the person authorizing the order.”.

Mr. COBLE (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read:

“A bill to exempt certain reports from automatic elimination and sunset pursuant to the Federal Reports Elimination and Sunset Act of 1995, and for other purposes.”.

A motion to reconsider was laid on the table.

DIGITAL THEFT DETERRENCE AND COPYRIGHT DAMAGES IMPROVEMENT ACT OF 1999

Mr. COBLE. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 3456) to amend statutory damages provisions of title 17, U.S. Code, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. BERMAN. Mr. Speaker, reserving the right to object, I yield to the gentleman from North Carolina (Mr. COBLE), the chairman of the subcommittee, to just describe the legislation.

Mr. COBLE. Mr. Speaker, I thank the gentleman from California for yielding.

Mr. Speaker, H.R. 3456 is very similar to H.R. 1761, which was considered under suspension of the rules and agreed to by voice vote on August 2, 1999.

It makes significant improvements in the ability of the Copyright Act to deter copyright infringement by amending it to increase the statutory penalties for infringement. Copyright piracy, Mr. Speaker, is flourishing in the world. With the advanced technologies available and the fact that many computer users are either ignorant of the copyright laws or simply believe that they will not be caught or punished, the piracy trend will continue.

One way to combat this problem is to increase the statutory penalties for copyright infringement so that they will be an effective deterrent to this conduct.

Another significant aspect of H.R. 3456 addresses a problem on regarding the difficulty of prosecuting crimes against intellectual property. It instructs that within 120 days on enactment of this act or within 120 days after there is a sufficient number of

voting members to constitute a quorum, the United States Sentencing Commission shall promulgate emergency guideline amendments to implement the sentencing mandate in the No Electronic Theft, popularly known as the NET Act, which became law in the 105th Congress.

It is vital that the United States recognizes intellectual property rights and provides strong protection and enforcement against violation of those rights.

This legislation, Mr. Speaker, makes significant and necessary improvements to the Copyright Act. The Subcommittee on Courts and Intellectual Property and the Committee on the Judiciary support H.R. 3456 in a bipartisan manner, and I urge its adoption today.

If I may, Mr. Speaker, at this time I have one more bill and possibly two more bills that are very brief, but I would be remiss as we conclude the first session of the 106th Congress if I did not convey my personal expressions of thanks to the distinguished gentleman from California (Mr. BERMAN), the ranking member of the subcommittee; to each Democrat and Republican member of the subcommittee; to our very fine chairman, the gentleman from Illinois (Mr. HYDE); and to the staff on both the Democrat and Republican side for the accomplishments.

And pardon our immodesty, but I think we have realized accomplishments during this first session.

Mr. BERMAN. Mr. Speaker, continuing my reservation of objection, first let me just respond to the last comment of my friend.

As he knows, and I have discussed this privately, but it was a real pleasure to be his ranking member this past year. We did get a lot done. We did it, I think, on a bipartisan basis on almost every single issue we faced and accomplished quite a bit, probably not as much as the Transportation and Infrastructure committee, but a substantial work product, much of which was in the legislation that passed as part of the non-omnibus appropriations bill.

I also want to express my appreciation to the staff both of the subcommittees and the full committees and to the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) as well for all their support.

On this particular legislation which is an important bill, it comes under our obligations under the intellectual property provisions of Article 1 of the Constitution to reassess the efficacy of our laws in protecting copyright. Toward that end, earlier this year the Committees on the Judiciary in both Houses resolved to address several concerns which have been brought to our attention regarding the deterrence of copyright infringement and penalties for such infringement in those instances when it, unfortunately, occurs.

While I support the bill that we previously passed, I concur in the passage of the bill before us tonight.

There are two key features in the legislation. First, it provides an inflation adjustment for copyright statutory damages. It has been well over a decade since we last adjusted statutory damages for inflation. Our purpose must be to provide meaningful disincentives for infringement, and to accomplish that, the cost of infringement must substantially exceed the cost of the compliance so that those who use or distribute intellectual property have incentive to comply with the law.

Secondly, passage of this bill is important to expedite the Sentencing Commission's adoption of a revised Intellectual Property sentencing guidelines. The newly confirmed Sentencing Commissioners will have 120 days to revise the Intellectual Property guideline to increase the deterrence.

In 1997, when we adopted the NET Act, we directed the Sentencing Commission to increase criminal penalties for Intellectual Property crimes. The current IP sentencing guidelines include perverse incentives that allow pirates to avoid significant prison terms. U.S. Attorneys refuse to bring copyright or trademark criminal cases because of the current weak guidelines. This bill will rectify that situation.

The new Commissioners will be required to focus on this important problem immediately. The increasing threat of intellectual property theft both in the on-line and off-line world will thus be fought with all available weapons.

Mr. Speaker, I continue my reservation of objection, and I yield to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman for yielding.

While I was praising all my colleagues on the Judiciary and on the subcommittee and, of course, intellectual property, inevitably omissions are committed and I inadvertently failed to mention the distinguished gentleman from Michigan (Mr. CONYERS), the ranking member of the full committee.

Mr. BERMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3456

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 “Digital Theft Deterrence and Copyright Damages Improvement Act of 1999”.

SEC. 2. STATUTORY DAMAGES ENHANCEMENT.

Section 504(c) of title 17, United States Code, is amended—

- (1) in paragraph (1)—
 - (A) by striking “\$500” and inserting “\$750”; and
 - (B) by striking “\$20,000” and inserting “\$30,000”; and
- (2) in paragraph (2), by striking “\$100,000” and inserting “\$150,000”.