Leader of the United States House of Representatives, the Secretary of the United States Department of Agriculture and to each member of the Georgia Congressional Delegation.

POM–110. A resolution adopted by the City Council of Cincinnati, Ohio relative to Round II Urban Federal Empowerment Zones: ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 579: A bill to amend the Foreign Assistance Act of 1961 to target assistance to support the economic and political independence of the countries of the South Caucasus and Central Asia (Rept. No. 106–45).

H.R. 669: A bill to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes (Rept. No. 106–46).

By Mr. CHAFEE, from the Committee on Environment and Public Works:

Special Report entitled ''Activities of the Committee on Environment and Public Works for the One Hundred Fifth Congress'' (Rept. No. 106–47).

By Mr. HATCH, from the Committee on the Judiciary, with amendments:

S. 625: A bill to amend title 11, United States Code, and for other purposes (Rept. No. 106–49).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SCHUMER (for himself, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. DURBIN, Ms. MIKULSKI, Mr. LEVIN, Mrs. BOXER, Mr. TORRICELLI, Mr. LAUTENBERG, Mr. REED, and Mr. KERRY):

S. 995. A bill to strengthen the firearms and explosives laws of the United States; to the Committee on the Judiciary.

By Mr. CAMPBELL:

S. 996. A bill to establish a matching grant program to help State and local jurisdictions purchase school safety equipment; to the Committee on the Judiciary.

By Mr. SANTORUM (for himself, Mr. ABRAHAM, Mr. ASHCROFT, Mr. BROWNBACK, Mr. COVERDELL, Mr. DEWINE, Mrs. HUTCHISON, and Mr. MCCAIN):

S. 997. A bill to assist States in providing individuals a credit against State income taxes or a comparable benefit for contributions to charitable organizations working to prevent or reduce poverty and protect and encourage donations to charitable organizations, to prohibit discrimination against nongovernmental organizations and certain individuals on the basis of religion in the distribution of government funds to provide government assistance and the distribution of such assistance, to allow such organizations to accept such funds to provide such assistance without impairing the religious character of such organizations, to provide for tax-free distributions from individual retirement accounts for charitable purposes, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. JEFFORDS, Mr. HARKIN, Mr. FEINGOLD, and Mr. KOHL):

S. 998. A bill to amend the Child Nutrition Act of 1966 to prohibit the donation or service without charge of competitive foods of minimal nutritional value in schools participating in Federal meal service programs before the end of the last lunch period of the schools; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH:

S. 999. A bill to amend chapter 18 of title 35, United States Code, to improve the ability of Federal agencies to patent and license federally owned inventions, and for other purposes; to the Committee on the Judiciary.

By Mr. BREAUX (for himself and Mr. NICKLES):

S. 1000. A bill to amend the Internal Revenue Code of 1986 to treat certain dealer derivative financial instruments, hedging transactions, and supplies as ordinary assets; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mr. BYRD, Mr. BROWNBACK, Mr. CONRAD, Mr. KOHL, Mr. CLELAND, Ms. LANDRIEU, Mr. BRYAN, Mr. REED, and Mrs. MURRAY):

S. 1001. A bill to establish the National Youth Violence Commission, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MACK (for himself and Mr. BREAUX):

S. 1002. A bill to amend title XVIII of the Social Security Act to provide for a prospective payment system for services furnished by psychiatric hospitals under the medicare program; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. HATCH, Mr. CRAPO, and Mr. BRYAN):

S. 1003. A bill to amend the Internal Revenue Code of 1986 to provide increased tax incentives for the purchase of alternative fuel and electric vehicle, and for other purposes; to the Committee on Finance.

By Mr. BURNS (for himself and Mr. INHOFE):

S. 1004. A bill to amend the Communications Act of 1934 to reduce telephone rates, provide advanced telecommunications services to schools, libraries, and certain health care facilities, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 1005. A bill to amend title 23, United States Code, to provide for national minimum sentences for individuals convicted of operating motor vehicles under the influence of alcohol; to the Committee on Environment and Public Works.

By Mr. TORRICELLI (for himself, Mrs. BOXER, Mrs. FEINSTEIN, Mr. KERRY, and Mr. LAUTENBERG):

S. 1006. A bill to end the use of conventional steel-jawed leghold traps on animals in the United States; to the Committee on Environment and Public Works.

By Mr. JEFFORDS (for himself and Mrs. BOXER):

S. 1007. A bill to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes; to the Committee on Foreign Relations.

By Mr. BAUCUS (for himself and Mr. LEVIN):

S. 1008. A bill to modify the standards for responding to import surges under section 201 of the Trade Act of 1974, to establish mechanisms for import monitoring and the prevention of circumvention of United States trade laws, and to strengthen the enforcement of United States trade remedy laws; to the Committee on Finance.

By Mr. SHELBY:

S. 1009. An original bill to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; from the Select Committee on Intelligence; placed on the calendar.

By Mr. JEFFORDS (for himself, Mr. ROCKEFELLER, Mrs. HUTCHISON, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 1010. A bill to amend the Internal Revenue Code of 1986 to provide for a medical innovation tax credit for clinical testing research expenses attributable to academic medical centers and other qualified hospital research organizations; to the Committee on Finance.

By Mr. FRIST:

S. 1011. A bill to amend the Internal Revenue Code of 1986 to provide that trusts established for the benefit of individuals with disabilities shall be taxed at the same rates as individual taxpayers; to the Committee on Finance.

S. 1012. A bill to amend the Internal Revenue Code of 1986 to use the Consumer Price Index in addition to the national average wage index for purposes of cost-of-living adjustments; to the Committee on Finance.

S. 1013. A bill to amend the Internal Revenue Code of 1986 to promote lifetime savings by allowing people to establish child savings accounts within Roth IRAs and by allowing the savings to be used for education, first time home purchases, and retirement, to expand the availability of Roth IRAs to all Americans and to protect their contributions from inflation, and for other purposes; to the Committee on Finance.

S. 1014. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of the individual income tax and the number of tax brackets; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID:

S. Res. 99. A resolution designating November 20, 1999, as ''National Survivors for Prevention of Suicide Day''; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL:

S. 996. A bill to establish a matching grant program to help State and local jurisdictions purchase school safety equipment; to the Committee on the Judiciary.

STUDENTS LEARNING IN SAFE SCHOOLS ACT

Mr. CAMPBELL. Mr. President, today I introduce the Students Learning in Safe Schools Act of 1999.

This legislation would build on the successes of two bills I sponsored in the 105th Congress and that were signed into law, S. 2235, which established the Cops in Schools program and S. 1605, the Bulletproof Vest Partnership Grant Act of 1998.

Juvenile crime prevention, of course, is on all of our minds, particularly since the recent tragedy in Littleton. I think all of us know that violence has

gone up among youngsters and it threatens a safe learning environment for our students at school. As a former teacher, a deputy sheriff, and parent, I developed a special sensitivity long before I came to the Senate.

On April 20, in my home State, 13 innocent victims, 12 students and 1 very heroic teacher, were murdered at Columbine High School. This town is a very nice town. Littleton is a wonderful community. The school of Columbine is a nice school with few problems. I guess people are prone to say if it could happen there, it certainly could happen anywhere.

Clearly, no student should have to go to school where they fear for their lives. Statistics on violence in schools are startling. In fact, recent reports indicated there were 173 violent deaths in U.S. schools between 1994 and 1998 and that 31% of children know someone their age who carries a gun. The National Education Association estimated that 100,000 youngsters carry guns to school and 160,000 children miss class every day because they fear physical harm.

We know that government cannot fix it all. We are being leaned on, of course, to pass more and more laws to correct all these problems, but most of us know there has to be teamwork involving students and parents and families and communities and religious leaders and school administrators.

This teamwork should also include law enforcement officers working closely with schools. Teachers and principals simply do not have the training or equipment or resources to deal with the problem. And they shouldn't have to, they should be focusing on teaching our kids.

That's why I introduced S. 2235 last year, the School Resource Officers Partnership Grant Act of 1998, to help stop school violence. S. 2235, which was signed into law last October, will create thousands of vital partnerships between state and local law enforcement agencies, and the schools, parents and children they serve and protect. Schools that establish these partnerships would be eligible to receive federal funding through the Justice Department to hire School Resource Officers, also known as SROs. SROs are career law enforcement officers, with sworn authority, within the Community Policing program, and will work in and around our schools.

Working in cooperation with youngsters, parents, teachers and principals, these SROs would be able to keep track of potentially dangerous kids and effectively deal with them before things escalate, violence errupts, and youngsters get hurt. These SROs would work in our schools, not as armed guards, but primarially as people who would help resolve conflicts.

There is $60 million in Cops in School grants which will be distributed this year alone. In fact, the Justice Department has just announced the first round of grants with hundreds of schools in 42 states benefiting.

The bill I am introducing today, the Students Learning in Safe Schools Act of 1999, would build on the Cops in Schools program to help improve school safety. The Students Learning in Safe Schools Act would provide federal matching grants to help schools buy metal detectors, metal detecting wands, video cameras, and other equipment needed to help make our schools safer. This bill calls for a matching grant of $40 million for each of the 3 fiscal years from fiscal year 2000 through fiscal year 2002. The grants would be easily accessible to States, local governments, and school districts with a minimum of redtape. This is not a mandate, however. It is an opportunity for school districts to get some additional resources.

This legislation calls for posting this new school safety equipment grant program on the Internet right next to the Cops in Schools program which can now be found on the Justice Department's web sight. This would help provide one stop shopping where people can go for help in getting both the safety personnel and safety equipment they need to help make their schools safer.

I do not expect this legislation, of course, to solve all our problems but certainly it is another tool I hope will go a long way in reducing juvenile violence in schools.

I urge my colleagues to support this legislation.

I ask unanimous consent that the bill be printed in the RECORD following my remarks.

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

S. 996

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 ''Students Learning in Safe Schools Act of 1999''.

SEC. 2. MATCHING GRANT PROGRAM FOR SCHOOL SAFETY EQUIPMENT.

(a) IN GENERAL.—Part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking the part designation and part heading and inserting the following:

''PART Y—MATCHING GRANT PROGRAMS

''Subpart A—Grant Program For Armor Vests'';

(2) by striking ''this part'' each place that term appears and inserting ''this subpart''; and

(3) by adding at the end the following:

''Subpart B—Grant Program For School Safety Equipment

''SEC. 2511. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, Indian tribes, and local educational agencies to purchase school safety equipment for use in and near elementary and secondary schools.

''(b) USES OF FUNDS.—Grants awarded under this section shall be—

''(1) distributed directly to the State, unit of local government, Indian tribe, or local educational agency, as applicable; and

''(2) used for the purchase of school safety equipment for use in elementary and secondary schools in the jurisdiction of the grantee.

''(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

''(1) has the greatest need for school safety equipment, based on the percentage of elementary and secondary schools in the jurisdiction of the applicant that do not have access to such equipment;

''(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

''(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

''(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.50 percent of the total amount appropriated in the fiscal year for grants pursuant to this section except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated .25 percent.

''(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, Indian tribe, or local educational agency may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

''(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

''(g) ALLOCATION OF FUNDS.—Not less than 50 percent of the total amount made available to carry out this subpart in each fiscal year shall be awarded to units of local government with fewer than 100,000 residents.

''SEC. 2512. APPLICATIONS.

''(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, Indian tribe, or local educational agency shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

''(b) REGULATIONS.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of the Students Learning in Safe Schools Act of 1999, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, Indian tribes, and local educational agencies must meet) in submitting the applications required under this section.

''(2) INTERNET ACCESS.—The regulations promulgated under this subsection shall provide for the availability of applications for,

and other information relating to, assistance under this subpart on the Internet website of the Department of Justice, in a manner that is closely linked to the information on that Internet website concerning the program under part Q.

''(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 104–119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of school safety equipment, but did not, or does not expect to use such funds for such purpose.

''SEC. 2513. DEFINITIONS.

''In this subpart—

''(1) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

''(2) the term 'school safety equipment' means metal detectors, metal detecting wands, video cameras, and other equipment designed to detect weapons and otherwise enhance school safety;

''(3) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands; and

''(4) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, school district, or other unit of general government below the State level.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (23) and inserting the following:

''(23) There are authorized to be appropriated to carry out part Y—

''(A) $25,000,000 for each of fiscal years 2000 through 2002 for grants under subpart A of that part; and

''(B) $40,000,000 for each of fiscal years 2000 through 2002 for grants under subpart B of that part.''.

SEC. 3. SENSE OF CONGRESS REGARDING AMERICAN-MADE PRODUCTS AND EQUIPMENT.

In the case of any equipment or products that may be authorized to be purchased with financial assistance provided using funds appropriated or otherwise made available by this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products, unless such equipment or products are not readily available at reasonable costs.

SEC. 4. SENSE OF THE SENATE REGARDING SCHOOL SECURITY.

It is the sense of the Senate that recipients of assistance under subpart B of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by this Act, should, to the maximum extent practicable, seek to achieve a balance between school security needs and the need for an environment that is conducive to learning.

SEC. 5. TECHNOLOGY DEVELOPMENT.

Section 202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3722) is amended by adding at the end the following:

''(e) SCHOOL SAFETY TECHNOLOGY DEVELOPMENT.—The Institute shall conduct research and otherwise work to develop new weapons detection technologies and safety systems that are appropriate to school settings.''.

Mr. LEAHY. Mr. President, I was happy to yield to the Senator from Colorado. He and I have had discussions of the terrible events that took place in Colorado. The distinguished Senator from Colorado and I wrote legislation on another area of law enforcement, relying on his experience and my experience in law enforcement. That was the bulletproof vests legislation which is now working very, very well.

I mention this while the distinguished Senator from Colorado is still on the floor because we have had many discussions about law enforcement matters—most recently an event at the White House. It has been my experience, time and time again, the Senator from Colorado has given pragmatic and realistic solutions to law enforcement problems at a time when we can all get carried away by philosophical arguments. I found most law enforcement people tell me to save the philosophy for them to read in their retirement years—give them the pragmatic solutions today when they have to uphold the law.

So I thank the Senator from Colorado.

By Mr. LEAHY (for himself, Mr. JEFFORDS, Mr. HARKIN, Mr. FEINGOLD, and Mr. KOHL):

S. 998. A bill to amend the Child Nutrition Act of 1966 to prohibit the donation or service without charge of competitive foods of minimal nutritional value in schools participating in Federal meal service programs before the end of the last lunch period of the schools; to the Committee on Agriculture, Nutrition, and Forestry.

BETTER NUTRITION FOR SCHOOL CHILDREN ACT OF 1999

Mr. LEAHY. Mr. President, I am proud to be joined by Senators JEFFORDS, HARKIN, KOHL, and FEINGOLD, and Representative HINCHEY in the House of Representatives, in introducing the ''Better Nutrition for School Children Act of 1999.'' This bill seals a loophole undermining our children's nutritional health.

One of the most important lessons we can teach our children is good health. Good health includes keeping our children tobacco and drug free, and includes nutrition education for healthy living.

Every day, more than 26 million children participate in the National School Lunch Program. One-quarter of those children—approximately seven million—also participate in the National School Breakfast Program. According to a United States Department of Agriculture study, school children may consume between one-third and one-half of their daily nutrient intake at school. Knowing how important school meal programs are to the nutritional health of children, I am extremely concerned by reports of soft drinks being given to children before or during lunch.

Current law prohibits the sale of soft drinks during lunch. This prohibition has been around for a long time. However, some schools are now getting around this prohibition by giving soda to children for free. This is a loophole—big enough to drive a soda truck through—that hurts our children. The bill which we are introducing today would close this loophole so that soft drinks cannot be distributed—for free or for sale—during mealtime at schools participating in the National School Lunch Program. Also, the bill would prohibit giving away sodas before lunch.

As a parent, I would be outraged to discover that my efforts at teaching my child good nutrition were being undermined by free sugar and caffeine laden soft drinks at school.

Studies based on statistics from the USDA Continuing Surveys of Food Intakes by Individuals have shown that heavy soft drink consumption correlates with a low intake of magnesium, calcium, ascorbic acid, riboflavin and vitamin A. The loss of calcium is particularly alarming for teenage women, as calcium is crucial for building up bone mass to reduce the risk of osteoporosis later in life, and women build 92 percent of their bone mass by age 18.

Many sodas also contain caffeine, which is not only an addictive stimulant, but which also increases the excretion of calcium.

In its Food Guide Pyramid for Young Children, which recommends good dietary habits for children, the United States Department of Agriculture continues to recommend serving children fruits, vegetables, grains, meat and dairy, while limiting children's intake of sweets - including soft drinks.

Statistics regarding children's intake of soft drinks are alarming. For instance, teenage boys consume an average of 2½ soft drinks a day—which equals approximately 15 teaspoons of sugar—every day.

While children's consumption of soft drinks has been on the rise, their consumption of milk has been on the decline. Statistics from the USDA demonstrate that whereas 20 years ago teens drank twice as much milk as soda, today they drink twice as much soda as milk. Unlike milk, soft drinks have minimal nutritional value and they contribute nothing to the health of kids. One need only compare the ingredient and nutrition labels on a Coke can versus a milk carton to see what a child loses when milk is replaced by a soft drink.

The consequence of replacing milk with soda is clear: the declining nutritional health of our children. In her book Jane Brody's Nutritional Book, Jane Brody articulates this point in saying:

Probably the most insidious undermining of good nutrition in the early years comes

from the soft drink industry. Catering to children's innate preferences for a sweet taste, the industry has succeeded in drawing millions of youngsters away from milk and natural fruit juices and hooking them on pop and other artificially flavored drinks that offer nothing of nutritional significance besides calories.

The Vermont State Board of Education's School Nutrition Policy Statement actually touches on this very issue. Among its recommendations to school districts for dietary guidelines and nutrition, the Board of Education advises:

Certain foods which contribute little other than calories should not be sold on school campuses. These foods include carbonated beverages, nonfruit soft drinks, candies in which the major ingredient is sugar, frozen nonfruit ice bars, and chewing gum with sugar.

It was only a few years ago that, as Chairman of the U.S. Senate Committee on Agriculture, Nutrition and Forestry, that I fought the soft drink behemoths—Coca-Cola and Pepsi—over vending machines in schools. I felt that schools should be encouraged to close down vending machines before and during lunch. I was unprepared for the wealth of opposition which ensued.

However, despite the well-financed opposition by soda companies, the Nutrition and Health for Children Act was met with bipartisan support in Congress. Former Senator Bob Dole noted that ''too often a student gives up his half dollar and his appetite en route to the cafeteria'' and criticized the ''so-called plate waste, where young students and other students decide it is better to have a candy bar and a soft drink rather than eat some meal that is subsidized by the Federal Government.''

Just as the Better Nutrition and Health for Children Act passed with bipartisan support in 1994, I am sure that the Better Nutrition for School Children Act of 1999 will pass with bipartisan support this year.

I ask unanimous consent that the text of the Better Nutrition for School Children Act of 1999 be printed in the RECORD.

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

S. 998

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 ''Better Nutrition for School Children Act of 1999''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to close the loophole that allows competitive foods of minimum nutritional value that cannot be sold during meals in schools participating in the school breakfast and lunch programs to instead be donated or served without charge to students during or before breakfast or lunch;

(2) to protect 1 of the major purposes of the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) and the National School Lunch Act (42 U.S.C. 1751 et seq.), which is to promote better nutrition among school children participating in the school breakfast and lunch programs; and

(3) to promote better nutritional habits among school children and improve the health of school children participating in the school breakfast and lunch programs.

SEC. 3. PROHIBITION ON DONATION OR SERVICE WITHOUT CHARGE OF COMPETITIVE FOODS OF MINIMAL NUTRITIONAL VALUE.

Section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) is amended—

(1) by striking ''(b) The'' and inserting the following:

''(b) DONATION OR SERVICE WITHOUT CHARGE OF COMPETITIVE FOODS OF MINIMAL NUTRITIONAL VALUE.—

''(1) SALES.—The''; and

(2) by adding at the end the following:

''(2) DONATIONS OR SERVICE WITHOUT CHARGE.—The regulations shall prohibit the donation or service without charge of competitive foods not approved by the Secretary under paragraph (1) in a school participating in a meal service program authorized under this Act or the National School Lunch Act (42 U.S.C. 1751 et seq.) before the end of the last lunch period of the school.''.

Mr. JEFFORDS. Mr. President, I am pleased to join Senator LEAHY, Senator FEINGOLD, Senator KOHL, and Senator HARKIN as an original cosponsor of the Better Nutrition for School Children Act of 1999. This issue is so important to the health and well being of our nation's school children.

The Better Nutrition for School Children Act of 1999 is about good nutrition—and a little about milk. The Vermont and Wisconsin Senators at times have a hard time agreeing on federal milk policy, but we all agree that good nutrition plays an important role in the health and education of our children.

As chairman of the Health, Education, Labor, and Pensions Committee, I recognize the importance of having a proper and nutritionally balanced diet in our school lunch programs. A well nourished child is a child more healthy, energized, focused and able to learn.

When school children receive a large amount of their daily caloric intake from sugary soft drinks, they are not receiving the fruits, vegetables, vitamins, minerals, and perhaps most importantly—calcium that they need.

Soda and other sugary junk foods squeeze more nutritious foods out of their diet. Since many school children may consume between one-third and one-half of their daily intake at school, it is important that we do not allow them to substitute good nutrition with empty calories.

Mr. President, teens, in particular, should be drinking milk instead of soft drinks. Twenty years ago, teens drank twice as much milk as soda. Today, the average teenager drinks twice as much soda as milk.

The Better Nutrition for School Children Act of 1999 helps close the empty calorie loophole. Soft drinks, sugar candies, cotton candy and the like are already banned from being sold during lunch. This bill would simply ban the free distribution of these ''competitive foods not approved by the Secretary'' before and during lunch at schools participating in the federal school lunch or breakfast programs.

Mr. President, I commend Senator LEAHY for his continued leadership in improving the nutrition of America's school children and will work with him and others to see that this bill becomes law.

● Mr. FEINGOLD. Mr. President, I rise to join Senator LEAHY, Senator KOHL, and Senator JEFFORDS to introduce this important legislation, the Better Nutrition for School Children Act of 1999. The Better Nutrition for School Children Act of 1999 will make our kid's nutrition—not some economic bottom line—the priority when it comes to our nation's school meal program.

Mr. President, some schools in this country, particularly high school, are providing school-aged children with free soda as part of the school lunch program. This trend is troublesome for a number of reasons: One, it is contrary to the intent of the 1946 National School Lunch Act; Two, numerous studies have demonstrated that teenagers, particularly girls, are not consuming enough calcium to prevent osteoporosis in their later years; And, three, as a representative of Wisconsin, ''America's Dairyland,'' I am concerned that the increase in school time soda consumption will inevitably mean that our children drink less milk at school.

Mr. President, in 1946, Congress first made nutrition for school aged children a priority when it passed the National School Lunch Act. This measure was designed to provide school children with high quality nutritious food during the school day. In 1977, because of concerns that our country's nutritional habits had begun to slide, Congress directed USDA to take steps to restrict school children's access to foods of low nutritional value when at school.

The legality regulations USDA promulgates under the 1977 law, with regard to foods of nutritional value was challenged by the National Soft Drink Association. This law banned the sale of soft drink and other ''junk foods'' in school cafeterias during the lunch hour.

Congressional debates on the 1977 law ''convey an unmistakable concern that 'junk foods,' notably various types of candy bars, chewing gum and soft drinks, not be allowed to compete in participating schools.'' The Federal judge observed the ''logic and common sense, as well as several studies in the [rulemaking] record, suggest that irregular eating habits combined with ready access to junk food adversely affect federal nutritional objectives.''

USDA current regulations prohibit the sale of foods of ''minimal nutritional value''—which include sodas, water ices, chewing gum, and certain candies—in the food service area during the lunch period in any school. The current regulations do not mention the distribution of free sodas, because, Mr. President, this idea never entered the

minds of lawmakers during consideration of the measure.

Mr. President, we have found that in schools all over the country, free sodas are being passed out as part of the school lunch program. This practice evades the current Federal ban on the sale of sodas as part of school lunches. It's bad for kids, bad for farmers who are watching milk consumption and prices decline, and bad for teachers and school administrators who are left to deal with unruly and fidgety children during the day. As a matter of fact, Mr. President, giving away free sodas in school doesn't help anybody except soda companies.

Mr. President, in a report published last year by the Center for Science in the Public Interest (CSPI) it was documented that one quarter of teenage boys who drink soda consume more than two 12-ounce cans per day, and that five percent drink five or more cans daily. This report was based on survey data from USDA and also indicated that in average, girls drink about one-third less—but the risks of soda consumption are potentially greater for girls. The report claims that doctors say soda has been pushing milk out of teenage diets and making girls more likely candidates for osteoporosis when they're older.

The data indicated that these doctors are right. Choosing a soft drink instead of milk means that teens will have a lower level of calcium in their diets. Soft drinks provide 0% of a persons recommended daily allowance for calcium, while milk provides 30%. Low calcium intake contributes to osteoporosis, a disease leading to fragile and broken bones. Currently, 10 million Americans have osteoporosis while another 18 million have low bone mass and are at increased risk of osteoporosis. Women are more frequently affected than men. Considering the low calcium intake of today's teenage girls, osteoporosis rates may well rise in the near future.

As I understand it, the risk of osteoporosis depends in part on how much bone mass is built early on in life. The CSPI report states that girls build 92 percent of their bone mass by age 18, but if they don't consume enough calcium in the teenage years, they cannot ''catch up'' later. This explains why experts recommend higher calcium intakes for youths 9 to 18 than for adults 19 to 50. Currently, teenage girls consume only 60 percent of the recommended amount; pop drinkers consuming almost one-fifth less calcium than non-consumers.

The CSPI and a coalition of health advocates reported that 20 years ago, teens drank almost twice as much milk as soda pop; today, they consume twice as much soda as milk.

Since 1973, soft drink consumption has risen dramatically. Americans now drink twice as much soda per person as they did 25 years ago. According to statistics from the Beverage Marketing Corp., annual soda consumption was 22.4 per person in 1970; in 1998, it was 56.1 gallons per person. Unfortunately, milk consumption has been on a steady decline. This trend is likely to continue—however, I do not feel that school administrators should encourage it. This country's dairy farmers have it hard enough. The recently announced Basic Formula Price (BFP) is lower than the cost of production in nearly every region of the country. We in dairy states are very concerned about our struggling producers. How can we stand by and watch as they struggle to locate and enter new markets abroad, while their base market—school meal programs—is being taken away?

And how do the parents feel? Those that limit their children's intake of sodas and sweets at home see their efforts undermined when the school provides these items for free. This is a losing battle for them too!

Mr. President, I'm not here to ban soda for school-age children—only to support a simple, sensible idea that any parent, any nutritionist, and any dairy farmer would favor—and that's giving our kids milk while they are in school. This bill restores common sense back to one aspect of our kids school nutrition programs. I urge my colleagues to support this Better Nutrition for School Children Act of 1999. It is supported by the National Education Association and the University of Wisconsin-Milwaukee School of Education. I ask that their letters of support be inserted into the RECORD.

The material follows:

UNIVERSITY OF WISCONSIN MILWAUKEE, SCHOOL OF EDUCATION
DEPARTMENT OF CURRICULUM AND INSTRUCTION,
May 7, 1999.

Senator Russell Feingold,
Senate Office Building, Washington, DC.

DEAR SENATOR FEINGOLD: I am writing to express my strong support for the ''Better Nutrition for School Children Act of 1999.''

My research shows that children are coming under increasing pressure to consume large quantities of soda while in school. For example, exclusive contracts between schools and bottling firms are now popular. These contracts commonly contain provisions that provide financial incentives to school districts that reward them when consumption goals are met. In other words the more of a bottling company's products are purchased the more money the school gets. This places school districts in the ethically dangerous position of promoting the consumption of products that their own health and nutrition curricula discourage students from consuming in large quantities.

The distribution of free soda as part of a school lunch program, at least in my view, violates the spirit and intent of the Child Nutrition Act of 1996. Such distributions are, no doubt, useful to soda bottlers as means of promoting brand recognition and establishing brand loyalty. And as such they are little different from any number of ''free'' promotions that are a common part of product marketing campaigns. However, none of this has anything to do with promoting children's health.

I believe that schools must do their utmost to promote healthful eating habits among their students. The ''Better Nutrition for School Children Act of 1999'' is a useful and necessary step to insure that school lunches are the healthful, nutritious meals that legislators have always intended that they be.

Sincerely,
ALEX MOLNAR, PH.D.
Director, Center for the Analysis of Commercialism in Education.

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, May 7, 1999.

Senator PATRICK LEAHY
Senator RUSSELL FEINGOLD,
U.S. Senate, Washington, DC.

DEAR SENATORS LEAHY AND FEINGOLD: On behalf of the National Education Association's (NEA) 2.4 million members, we would like to express our strong support for the Better Nutrition for School Children Act of 1999, which would bar the distribution of free soda in the School Lunch Program. NEA believes that providing free soda to students contradicts the nutritional goals of the School Program and can impede academic success.

Research clearly demonstrates the link between good nutrition and learning. Children who are hungry or improperly nourished face cognitive limitations which may impair their ability to concentrate and learn. Preserving the nutritional integrity of school meals, therefore, is critical ensuring student achievement. This is particularly true for poor children, who often rely on school lunch for one-third to one-half of their daily nutritional intake.

Providing free soda in the School Lunch Program is clearly at odds with congressional intent to restrict access by school children to foods of low nutritional integrity of the School Lunch Program.

Sincerely,
MARY ELIZABETH TEASLEY,
Director of Government Relations.●

Mr. KOHL. Mr. President, I am pleased to be an original cosponsor of the ''Better Nutrition for School Children Act of 1999.'' This legislation will stop the practice of giving students free sodas at lunch—sugar and caffeine filled drinks that are replacing the healthy milk and juices these kids should be drinking. A soda may keep a child awake through fifth period physics, but it will do nothing to fuel their growth into a healthy adult. We've been talking quite a bit lately about keeping our children safe during the school day. We must not forget we also have an obligation to keep them healthy, growing, and alert—an obligation met in great part with the national school lunch and breakfast programs.

The vast majority of schools in Wisconsin and across the nation are our partners in ensuring that children learn to eat healthy, and they are proud to abide by current laws—and the spirit behind those laws— prohibiting the sale of foods of minimal nutritional value in our schools. But while there is a ban on the sale of these sorts of foods during the school lunch period, there is no ban on giving them away for free. The Center for Science in the Public Interest recently cited several schools that are giving away donated sodas to students. This defies common sense. Kids should be drinking milk, water, and natural fruit juices—not sodas and other artificial drinks—as part of the school lunch program.

Statistics from the Department of Agriculture show that 20 years ago,

teens drank twice as much milk as soft drinks; today, that trend has reversed. Teens are drinking 40 percent less milk than they drank 22 years ago. Soft drinks contain a large amount of caffeine and sugar, and the American Medical Association has found that these sweetened drinks squeeze healthier foods out of childrens diets.

The Better Nutrition for School Children Act will simply prohibit the donation of competitive foods of minimal nutritional value, including sodas, before the end of the last lunch period of school. Let me be clear: we are not banning sodas in schools. Students will still be able to purchase sodas, or receive free ones, once the school lunch period is over. But this bill assures that at least during mealtimes, school children will have access to healthy foods and drinks, like milk.

This bill does not address the exclusive marketing contracts between schools and soft drink companies, but I do have concern over these as well. These contracts specify that a school will sell only a certain brand of sodas, and in return, the soda companies give the schools a share of the proceeds. I realize that school districts' budgets are stretched thin, but there has to be a better way of raising funds.

Mr. President, the Better Nutrition for School Children Act will close the current loophole that allows the donation of sodas in our nation's schools. It will ensure that tax dollars invested in the school lunch program are spent wisely on nutritious foods and drinks that children actually consume—rather than throw away to make room for a free soda. I urge my colleagues to join us in passing this simple, yet vitally important legislation.

By Mr. HATCH:

S. 999. A bill to amend chapter 18 of title 35, United States Code, to improve the ability of Federal agencies to patent and license federally owned inventions, and for other purposes; to the Committee on the Judiciary.

TECHNOLOGY TRANSFER ACT OF 1999

Mr. HATCH. Mr. President, I rise to introduce S. 999, the ''Technology Transfer Act of 1999.''

The purpose of this bill is to help ensure that the fruits of federally conducted and supported research will be translated into new products and jobs that can benefit the American public.

This bill is necessary in order to adopt a uniform policy across the federal government concerning the circumstances in which it is appropriate to grant an exclusive or partially exclusive license to intellectual property owned by the federal government. Essentially, this legislation codifies the most prudent, beneficial, and successful agency licensing policies that have evolved over the last few years.

Each year the federal government makes a substantial investment in research and development. This year the federal government will dedicate about $79 billion toward research and development activities. Of this amount, about half—or $39 billion—is devoted to non-defense research. Much of this civilian R&D funding—over $15 billion in FY 1999—is carried out by universities across our country.

Every American citizen should take pride in this considerable financial commitment because it explains why our country is in the forefront in so many areas of basic science and applied technology.

While there is intrinsic value in research for the sake of advancement of knowledge, another, more tangible, benefit occurs when the mysteries of science are translated into new technologies that protect and promote the public health and welfare and create jobs.

While Utah may be a small state in terms of population, I am proud to say that our universities are carrying out a vigorous program of research. For example, the University of Utah, Brigham Young University, and Utah State University each carry out substantial programs of research and in the aggregate received over $200 million in federal research support in 1998.

Last year the research efforts of these three schools resulted in the issuance of patents on 40 inventions.

No doubt this high level of financial support and creative activity are major reasons why our state has developed a thriving medical products industry over the last two decades.

According to a recent survey of the Utah Life Science Association there are currently 116 firms—employing a total of over 11,000 people—engaged in the discovery and production of biomedical products in the state of Utah. Together, these firms produced revenues of $1.641 billion last year.

Not only does this economic enterprise mean jobs for Utahns but also innovative new products for Americans and our neighbors around the world.

To give just one example, researchers at the University of Utah were co-discoverers of the BRCA 1 gene which is implicated in certain kinds of breast cancer. A start-up Salt Lake City biomedical research firm, Myriad Genetics, was also a partner in this ground breaking research, as were intramural researchers at the National Institutes of Health. Building upon this basic research, academic researchers at the Huntsman Cancer Center at the University of Utah and private sector scientists at Myriad are playing a lead role in developing diagnostic tests and therapeutics which are aimed at combating the devastation of breast cancer.

The success we have achieved in institutions of higher learning in Utah is also occurring across our Nation.

According to the latest data available from the Association of University Technology Managers (AUTM), in 1997, the efforts of U.S. universities, academic health centers, and certain other non-profit research entities resulted in over 11,000 invention disclosures, over 4,200 new patent applications being filed, and over 2,600 issued patents.

Also according to AUTM, in 1997, over 3,300 new licenses were executed and total licensing income reached nearly $700 million. An economic model developed by AUTM estimates that about 250,000 jobs are attributable to commercializing academic research.

Government labs have also contributed to this success story. For example, in FY 1998 the National Institutes of Health (NIH) received nearly $40 million in royalty income. Also in 1998, NIH intramural labs reported 287 invention disclosures; filed 132 patent applications; were granted 171 patents; and, executed 215 licenses and 149 cooperative research and development agreements.

In sharp contrast to the vibrant research and technology commercialization activities that are taking place in Utah and across our country today, the situation twenty years ago was vastly different. According to a 1978 survey, the federal government owned 78,000 patents but only 5 percent were ever licensed.

Research and development is expensive, but it has been estimated that R&D accounts for only about 25% of the cost of bringing a new product to the market. Without adequate protection of intellectual property, it is simply not prudent for the private sector to invest in new technologies.

In response to the problem of federally supported science languishing in the laboratory, the Congress passed a portfolio of legislation in the 1980s.

The purpose of these measures was simple: to provide incentives in the intellectual property laws to help assure that federally-conducted and -supported research would be commercially developed so that the seeds of new ideas will be translated into the fruits of new products that can benefit the American public.

My bill, S. 999, shares this goal and builds upon the previous intellectual property legislation in this area.

The ''Patent and Trademark Act Amendments of 1980'' (Public Law 96–517) is commonly termed the Bayh–Dole Act out of the well-earned respect for its two far-sighted cosponsors, Senator Birch Bayh and Senator Bob Dole.

The Bayh–Dole Act created a uniform patent policy among the many federal agencies that fund research and increased incentives for universities to engage in government-supported research. Under the act, small businesses and nonprofit organizations, including universities, were permitted to retain ownership of patents stemming from federal funds. In turn, patent holders could grant licenses to companies to further develop and commercialize the patented invention.

In 1986, Congress enacted the ''Federal Technology Transfer Act'' (Public Law 99–502). This law established new patenting, licensing and partnering policies for government laboratories. In concert with the philosophy of the

Bayh–Dole Act, the FTTA contemplates an activist role for government laboratories in assisting in the journey from the laboratory to the market place. The FTTA amended the earlier ''Stevenson-Wydler Technology Innovation Act of 1980'' (Public Law 96–480), which proved insufficient to meet its intended charge of making transfer of federal technology a duty of all federal laboratories. In addition to mandating a federal role in the technology transfer arena by strengthening the intellectual property laws in the areas of patenting and licensing, the FTTA created and embraced a unique device—the Cooperative Research and Development Agreement (CRADA)—which encourages a government/private sector partnership in the earliest stages of research.

In devising S. 999, I have worked closely with several colleagues, most prominently Representative CONNIE MORELLA, Chairman of the Subcommittee on Technology of the House Committee on Science. Chairman MORELLA, whose district is the home of the National Institutes of Health, has long been a leader in the area of technology policy. Chairman MORELLA and Representative GEORGE BROWN, the thoughtful ranking member of the full Committee have often worked together in a bipartisan manner in this area and are cosponsors of H.R. 209, the House companion to S. 999.

In this Chamber, Senator ROCKEFELLER has a long and distinguished record in the area of technology policy. Together with Senator FRIST, Senator ROCKEFELLER introduced similar legislation last Congress and once again this year.

I am working with all of these Members, as well as with Senator MCCAIN, Chairman of the Commerce, Science, and Transportation Committee, and the Senate and House leadership to secure passage of this important legislation. Working together, I believe that we have succeeded in building upon as well as correcting some problems identified with the legislative proposals made last Congress, S. 2120 and H.R. 2544.

S. 999 amends the patent code to make explicit when federal agencies should, and should not, grant exclusive licenses to its patented inventions.

The bill permits an exclusive or partially exclusive license only if such a license is reasonable and necessary to attract the necessary private sector investment capital or otherwise promote the invention's utilization. The bill requires the agency to evaluate a potential licensee's development plans and level of capacity and commitment so that only the level of necessary exclusivity is granted. Once a license agreement is executed the bill requires a rigorous periodic evaluation of progress under the agreement and allows the government to terminate a license for non-performance of the terms of the license.

The bill also requires that in granting patent licenses the government take into account possible effects on competition including any potential antitrust concerns. In the case of licensing inventions covered by foreign patents, the government is directed to consider the possible U.S. interest in foreign trade and commerce.

In addition, the bill contains a domestic manufacturing requirement that is designed to keep jobs created through newly patented technologies in the United States. As well, the legislation contains a preference for issuing licenses to small businesses—the sector of the economy where most new jobs are created.

Under the bill, the government would retain a nontransferable, irrevocable, paid-up license to practice the invention on behalf of the United States Government in the unlikely event this need should arise.

Before any exclusive or partially exclusive license may be granted under the authority of the patent code, the agency, except in cases of inventions made under an existing CRADA, must give at least 15 days public notice and consider any comments that are submitted.

The bill treats any confidential commercial information as part of an application or periodic performance report under normal Freedom of Information Act principles.

Mr. President, the ''Technology Transfer Act of 1999'' builds upon earlier legislation in this critical area. I am honored to be following in the footsteps of our former Majority Leader, Senator Dole, and the former Member of the Judiciary Committee, Senator Birch Bayh—father of the new member of the Senate from Indiana.

I am also pleased to follow in the footsteps of my predecessors on the Judiciary Committee, which was the locus of activity for the seminal 1980 legislation that amended the patent code and changed our nation's patent licensing policies.

I urge all of my colleagues to support S. 999.

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

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

S. 999

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 ''Technology Transfer Act of 1999''.

SEC. 2. LICENSING FEDERALLY OWNED OR PATENTED INVENTIONS.

(a) IN GENERAL.—Section 209 of title 35, United States Code, is amended to read as follows:

''§ 209. Licensing federally patented or owned inventions

''(a) AUTHORITY.—A Federal agency may grant an exclusive or partially exclusive license on a federally owned invention under section 207(a)(2) only if—

''(1) granting the license is a reasonable and necessary incentive to—

''(A) call forth the investment capital and expenditures needed to bring the invention to practical application; or

''(B) otherwise promote the invention's utilization by the public;

''(2) the Federal agency finds that the public will be served by the granting of the license, as indicated by the applicant's intentions, plans, and ability to bring the invention to practical application or otherwise promote the invention's utilization by the public, and that the proposed scope of exclusivity is not greater than reasonably necessary to provide the incentive for bringing the invention to practical utilization, as proposed by the applicant, or otherwise to promote the invention's utilization by the public;

''(3) the applicant makes a commitment to achieve practical utilization of the invention within a reasonable time, which time may be extended by the agency upon the applicant's request and the applicant's demonstration that the refusal of such extension would be unreasonable;

''(4) granting the license will not tend to substantially lessen competition or create or maintain a violation of the Federal antitrust laws; and

''(5) in the case of an invention covered by a foreign patent application or patent, the interests of the Federal Government or United States industry in foreign commerce will be enhanced.

''(b) MANUFACTURE IN UNITED STATES.—A Federal agency shall normally grant a license under section 207(a)(2) to use or sell any federally owned invention in the United States only to a licensee who agrees that any products embodying the invention or produced through the use of the invention will be manufactured substantially in the United States.

''(c) SMALL BUSINESS.—First preference for the granting of any exclusive or partially exclusive licenses under section 207(a)(2) shall be given to small business firms having equal or greater likelihood as other applicants to bring the invention to practical application within a reasonable time.

''(d) TERMS AND CONDITIONS.—Any licenses granted under section 207(a)(2) shall contain such terms and conditions as the granting agency considers appropriate. Such terms and conditions shall include provisions—

''(1) retaining a nontransferable, irrevocable, paid-up license for any Federal agency to practice the invention or have the invention practiced throughout the world by or on behalf of the Government of the United States;

''(2) requiring periodic reporting on utilization of the invention, and utilization efforts, by the licensee, but only to the extent necessary to enable the Federal agency to determine whether the terms of the license are being complied with; and

''(3) empowering the Federal agency to terminate the license in whole or in part if the agency determines that—

''(A) the licensee is not executing its commitment to achieve practical utilization of the invention, including commitments contained in any plan submitted in support of its request for a license, and the licensee cannot otherwise demonstrate to the satisfaction of the Federal agency that it has taken, or can be expected to take within a reasonable time, effective steps to achieve practical utilization of the invention;

''(B) the licensee is in breach of an agreement described in subsection (b);

''(C) termination is necessary to meet requirements for public use specified by Federal regulations issued after the date of the license, and such requirements are not reasonably satisfied by the licensee; or

''(D) the licensee has been found by a court of competent jurisdiction to have violated the Federal antitrust laws in connection with its performance under the license agreement.

''(e) TREATMENT OF REPORT INFORMATION.—Any report required under subsection (d)(2) shall be treated by the Federal agency as commercial and financial information obtained from a person and is privileged and confidential and not subject to disclosure under section 552 of title 5.

''(f) PUBLIC NOTICE.—No exclusive or partially exclusive license may be granted under section 207(a)(2) unless public notice of the intention to grant an exclusive or partially exclusive license on a federally owned invention has been provided in an appropriate manner at least 15 days before the license is granted, and the Federal agency has considered all comments received before the end of the comment period in response to that public notice. This subsection shall not apply to the licensing of inventions made under a cooperative research and development agreement entered into under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

''(g) PLAN.—No Federal agency shall grant any license under a patent or patent application on a federally owned invention unless the person requesting the license has supplied the agency with a plan for development or marketing of the invention, except that any such plan shall be treated by the Federal agency as commercial and financial information obtained from a person and privileged and confidential and not subject to disclosure under section 552 of title 5.''.

(b) AMENDMENTS TO CHAPTER 18 OF TITLE 35, UNITED STATES CODE.—Chapter 18 of title 35, United States Code, is amended—

(1) in section 200 by inserting ''without unduly encumbering future research and discovery'' after ''free competition and enterprise;'';

(2) by amending section 202(e) to read as follows:

''(e) In any case when a Federal employee is a coinventor of any invention made with a nonprofit organization, small business firm, or a non-Federal inventor, the Federal agency employing such coinventor may, for the purpose of consolidating rights in the invention and if it finds that it would expedite the development of the invention—

''(1) license or assign whatever rights it may acquire in the subject invention to the nonprofit organization, small business firm, or non-Federal inventor in accordance with sections 200 through 204 (including this section); or

''(2) acquire any rights in the subject invention from the nonprofit organization, small business firm, or non-Federal inventor, but only to the extent the party from whom the rights are acquired voluntarily enters into the transaction and no other transaction under this chapter is conditioned on such acquisition.''; and

(3) in section 207(a)—

(A) in paragraph (2), by striking ''patent applications, patents, or other forms of protection obtained'' and inserting ''inventions''; and

(B) in paragraph (3), by inserting '', including acquiring rights for and administering royalties to the Federal Government in any invention, but only to the extent the party from whom the rights are acquired voluntarily enters into the transaction, to facilitate the licensing of a federally owned invention'' after ''or through contract''.

(c) CONFORMING AMENDMENT.—The item relating to section 209 in the table of sections for chapter 18 of title 35, United States Code, is amended to read as follows:

''209. Licensing federally patented or owned inventions.''.

By Mr. BREAUX (for himself and Mr. NICKLES):

S. 1000. A bill to amend the Internal Revenue Code of 1986 to treat certain dealer derivative financial instruments, hedging transactions, and supplies as ordinary assets; to the Committee on Finance.

COMMODITY DERIVATIVE DEALERS AND ORDINARY BUSINESS HEDGING TRANSACTIONS

• Mr. BREAUX. Mr. President, I, along with my distinguished colleague Senator DON NICKLES, am introducing legislation today to clarify the tax treatment of commodity derivative dealers and of ordinary business hedging transactions. This legislation, which was proposed by the Administration in its Fiscal Year 2000 budget, is necessary to eliminate the existing tax uncertainties with respect to dealer derivative transactions and hedging transactions.

Specifically, Internal Revenue Code section 1221 would be amended to include business hedging transaction in the list of ordinary assets and clarify that activities that ''manage'' rather than only ''reduce'' risk are hedging activities. In addition, derivative contracts held by derivative dealers would similarly be treated as ordinary assets. Current tax and business practices treat derivative contracts held by commodity derivatives dealers as ordinary property. Nevertheless, such derivative dealers are faced with uncertainties regarding the proper reporting of gains and losses from their dealer activities, unlike dealers in other transactions. Finally, supplies used in the provision of services for the production of ordinary property would be added to the list of ordinary assets in section 1221. Such supplies are so closely related to the taxpayer's business that ordinary character should apply.

The Treasury Department has promulgated numerous regulations that affect derivatives contracts and our bill merely clarifies current law treatment of dealer activities. I urge my colleagues to support this important and much needed legislation.•

By Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mr. BYRD, Mr. BROWNBACK, Mr. CONRAD, Mr. KOHL, Mr. CLELAND, Ms. LANDRIEU, Mr. BRYAN, Mr. REED, and Mrs. MURRAY):

S. 1001. A bill to establish the National Youth Violence Commission, and for other purposes; to the Committee on Governmental Affairs.

NATIONAL YOUTH VIOLENCE COMMISSION ACT

Mr. LIEBERMAN. Mr. President, three weeks after the tragic shooting in Littleton, Colorado, we as a national community are still struggling to make sense of this horrific event and the other school massacres that preceded it. We are still searching for reasons why some of our children are slaughtering each other, and why there is generally so much violence surrounding our young people, not just in classrooms and schoolyards but on streetcorners and in homes across the country.

In this discussion, we have heard many factors cited as possible causes, but few definitive conclusions or little consensus on exactly what or who is responsible for this alarming trend. In fact, one of the only things that most Americans seem to agree on is that this is an extremely complicated problem, and that there is not any one answer. They are right.

The search for common ground and common solutions began in earnest yesterday with the summit meeting the President convened at the White House. At that meeting the President opened a much-needed dialogue with the entertainment and gun industries, yielding some important commitments from the gun makers, but little if anything from the entertainment industry. The President also laid out a promising plan for translating this conversation into action, calling for a national campaign to change the pervading culture of violence, to mobilize a sustained response to this threat from every segment of our society, much as we have done in the fight against teen pregnancy.

We are here today to introduce legislation that we believe can make an important contribution to this national campaign, something that will help us better understand as we prepare to act. Our proposal would create a select national commission on youth violence, whose mandate would be to deliberately and dispassionately examine the many possible root causes of this crisis of youth violence, to help us understand why so many kids are turning into killers, and to help us reach consensus on how to curtail this recurring nightmare.

This commission would be composed of a wide array of experts in the fields of law enforcement, school administration, teaching and counseling, parenting and family studies, and child and adolescent psychology, as well as Cabinet members and national religious leaders, to thoroughly study the different dimensions of this problem. After deliberating for a year, the commission would be directed to report its conclusions to the President and Congress and recommend a series of tangible steps we could take to reduce the level of youth violence and prevent other families and communities from feeling the searing pain and grief that has visited the people of Littleton for the last three weeks.

Our proposal is not intended to forestall or preempt a more immediate response to what happened in Littleton. To the contrary, we each believe there are several steps that the Congress and different groups and industries could and should take now that would help us reduce not just the risk of another school massacre, but the daily death toll of youth violence across America. Several of us here, for example, have and will continue to push the entertainment industry to stop glorifying and romanticizing violence, and in particular to stop marketing murder and mayhem directly to kids.

But we also believe that this extraordinary problem is not something that we can solve overnight, or with any single piece of legislation. A commission is no guarantee that we will find all the answers and bridge all the divisions, but we believe it provides as good a hope as any for thoughtfully doing so, and for making this national campaign a success.

In the coming days, we will offer this proposal as an amendment to the juvenile justice bill. We will also be putting forward a companion amendment calling for a Surgeon General's report on the public health aspects of the youth violence epidemic, with a particular focus on the contributing effects of entertainment media violence on children. This proposal, which the President endorsed at Monday's summit, is intended to inform the commission's work and hopefully raise public awareness of the enormous role the entertainment culture plays in shaping the world our sons and daughters inhabit.

I ask unanimous consent that the text of this bill be printed into the RECORD.

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

S. 1001

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 ''National Youth Violence Commission Act''.

SEC. 2. NATIONAL YOUTH VIOLENCE COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the National Youth Violence Commission (hereinafter referred to in this Act as the ''Commission''). The Commission shall—

(1) be composed of 16 members appointed in accordance with subsection (b); and

(2) conduct its business in accordance with the provisions of this Act.

(b) MEMBERSHIP.—

(1) PERSONS ELIGIBLE.—Except for those members who hold the offices described under paragraph (2)(A), and those members appointed under paragraph (2) (C)(ii) and (D)(iv), the members of the Commission shall be individuals who have expertise, by both experience and training, in matters to be studied by the Commission under section 3. The members of the Commission shall be well-known and respected among their peers in their respective fields of expertise.

(2) APPOINTMENTS.—The members of the Commission shall be appointed for the life of the Commission as follows:

(A) Four shall be appointed by the President of the United States, including—

(i) the Surgeon General of the United States;

(ii) the Attorney General of the United States;

(iii) the Secretary of the Department of Health and Human Services; and

(iv) the Secretary of the Department of Education.

(B) Four shall be appointed by the Speaker of the House of Representatives, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement;

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling;

(iii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of parenting and family studies; and

(iv) 1 member who meets the criteria for eligibility in paragraph (1) in the field of child or adolescent psychology.

(C) Two shall be appointed by the Minority Leader of the House of Representatives, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement; and

(ii) 1 member who is a recognized religious leader.

(D) Four shall be appointed by the Majority Leader of the Senate, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement;

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling;

(iii) 1 member who meets the criteria for eligibility in paragraph (1) in the social sciences; and

(iv) 1 member who is a recognized religious leader.

(E) Two shall be appointed by the Minority Leader of the Senate, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling; and

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of parenting and family studies.

(3) COMPLETION OF APPOINTMENTS; VACANCIES.—Not later than 30 days after the date of enactment of this Act, the appointing authorities under paragraph (2) shall each make their respective appointments. Any vacancy that occurs during the life of the Commission shall not affect the powers of the Commission, and shall be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

(4) OPERATION OF THE COMMISSION.—

(A) CHAIRMANSHIP.—The appointing authorities under paragraph (2) shall jointly designate 1 member as the Chairman of the Commission. In the event of a disagreement among the appointing authorities, the Chairman shall be determined by a majority vote of the appointing authorities. The determination of which member shall be Chairman shall be made not later than 15 days after the appointment of the last member of the Commission, but in no case later than 45 days after the date of enactment of this Act.

(B) MEETINGS.—The Commission shall meet at the call of the Chairman. The initial meeting of the Commission shall be conducted not later than 30 days after the later of—

(i) the date of the appointment of the last member of the Commission; or

(ii) the date on which appropriated funds are available for the Commission.

(C) QUORUM; VOTING; RULES.—A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission. Each member of the Commission shall have 1 vote, and the vote of each member shall be accorded the same weight. The Commission may establish by majority vote any other rules for the conduct of the Commission's business, if such rules are not inconsistent with this Act or other applicable law.

SEC. 3. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—It shall be the duty of the Commission to conduct a comprehensive factual study of incidents of youth violence to determine the root causes of such violence.

(2) MATTERS TO BE STUDIED.—In determining the root causes of incidents of youth violence, the Commission shall study any matter that the Commission determines relevant to meeting the requirements of paragraph (1), including at a minimum—

(A) the level of involvement and awareness of teachers and school administrators in the lives of their students and any impact of such involvement and awareness on incidents of youth violence;

(B) trends in family relationships, the level of involvement and awareness of parents in the lives of their children, and any impact of such relationships, involvement, and awareness on incidents of youth violence;

(C) the alienation of youth from their schools, families, and peer groups, and any impact of such alienation on incidents of youth violence;

(D) the availability of firearms to youth, including the means by which they acquire such firearms, and any impact of such availability on incidents of youth violence;

(E) the effect upon youth of depictions of violence in the media and any impact of such depictions on incidents of youth violence; and

(F) the availability to youth of information regarding the construction of weapons, including explosive devices, and any impact of such information on incidents of youth violence.

(3) TESTIMONY OF PARENTS AND STUDENTS.—In determining the root causes of incidents of youth violence, the Commission shall, pursuant to section 4(a), take the testimony of parents and students to learn and memorialize their views and experiences regarding incidents of youth violence.

(b) RECOMMENDATIONS.—Based on the findings of the study required under subsection (a), the Commission shall make recommendations to the President and Congress to address the causes of youth violence and reduce incidents of youth violence. If the Surgeon General issues any report on media and violence, the Commission shall consider the findings and conclusions of such report in making recommendations under this subsection.

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date on which the Commission first meets, the Commission shall submit to the President and Congress a comprehensive report of the Commission's findings and conclusions, together with the recommendations of the Commission.

(2) SUMMARIES.—The report under this subsection shall include a summary of—

(A) the reports submitted to the Commission by any entity under contract for research under section 4(e); and

(B) any other material relied on by the Commission in the preparation of the Commission's report.

SEC. 4. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under section 3.

(2) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code.

(b) SUBPOENAS.—

(1) IN GENERAL.—If a person fails to supply information requested by the Commission, the Commission may by majority vote request the Attorney General of the United States to require by subpoena the production of any written or recorded information, document, report, answer, record, account,

paper, computer file, or other data or documentary evidence necessary to carry out the Commission's duties under section 3. The Commission shall transmit to the Attorney General a confidential, written request for the issuance of any such subpoena. The Attorney General shall issue the requested subpoena if the request is reasonable and consistent with the Commission's duties under section 3. A subpoena under this paragraph may require the production of materials from any place within the United States.

(2) INTERROGATORIES.—The Commission may, with respect only to information necessary to understand any materials obtained through a subpoena under paragraph (1), request the Attorney General to issue a subpoena requiring the person producing such materials to answer, either through a sworn deposition or through written answers provided under oath (at the election of the person upon whom the subpoena is served), to interrogatories from the Commission regarding such information. The Attorney General shall issue the requested subpoena if the request is reasonable and consistent with the Commission's duties under section 3. A complete recording or transcription shall be made of any deposition made under this paragraph.

(3) CERTIFICATION.—Each person who submits materials or information to the Attorney General pursuant to a subpoena issued under paragraph (1) or (2) shall certify to the Attorney General the authenticity and completeness of all materials or information submitted. The provisions of section 1001 of title 18, United States Code, shall apply to any false statements made with respect to the certification required under this paragraph.

(4) TREATMENT OF SUBPOENAS.—Any subpoena issued by the Attorney General under paragraph (1) or (2) shall comply with the requirements for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure.

(5) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued by the Attorney General under paragraph (1) or (2), the Attorney General may apply to a United States district court for an order requiring that person to comply with such subpoena. The application may be made within the judicial district in which that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out its duties under section 3. Upon the request of the Commission, the head of such department or agency may furnish such information to the Commission.

(d) INFORMATION TO BE KEPT CONFIDENTIAL.—

(1) IN GENERAL.—The Commission shall be considered an agency of the Federal Government for purposes of section 1905 of title 18, United States Code, and any individual employed by any individual or entity under contract with the Commission under subsection (e) shall be considered an employee of the Commission for the purposes of section 1905 of title 18, United States Code.

(2) DISCLOSURE.—Information obtained by the Commission or the Attorney General under this Act and shared with the Commission, other than information available to the public, shall not be disclosed to any person in any manner, except—

(A) to Commission employees or employees of any individual or entity under contract to the Commission under subsection (e) for the purpose of receiving, reviewing, or processing such information;

(B) upon court order; or

(C) when publicly released by the Commission in an aggregate or summary form that does not directly or indirectly disclose—

(i) the identity of any person or business entity; or

(ii) any information which could not be released under section 1905 of title 18, United States Code.

(e) CONTRACTING FOR RESEARCH.—The Commission may enter into contracts with any entity for research necessary to carry out the Commission's duties under section 3.

SEC. 5. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(2) COMPENSATION.—The executive director shall be compensated at a rate not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission and any agency of the Federal Government assisting the Commission in carrying out its duties under this Act such sums as may be necessary to carry out the purposes of this Act. Any sums appropriated shall remain available, without fiscal year limitation, until expended.

SEC. 7. TERMINATION OF THE COMMISSION.

The Commission shall terminate 30 days after the Commission submits the report under section 3(c).

By Mr. MACK (for himself and Mr. BREAUX):

S. 1002. A bill to amend title XVIII of the Social Security Act to provide for a prospective payment system for services furnished by psychiatric hospitals under the Medicare Program; to the Committee on Finance.

MEDICARE PSYCHIATRIC HOSPITAL PROSPECTIVE PAYMENT SYSTEM ACT OF 1999

Mr. MACK. Mr. President, today I am pleased to join my colleague JOHN BREAUX in sponsoring the Medicare Psychiatric Hospital Prospective payment System Act of 1999.

This legislation will ensure the continuance of available impatient psychiatric care by reforming how Medicare pays for services in free-standing psychiatric hospitals and psychiatric units of general hospitals. It will establish a prospective payment system (PPS) Currently psychiatric hospitals are the only institutional providers of care under Medicare not scheduled to move to a PPS system.

The Balanced Budget Act of 1997 (BBA) made major changes in the way psychiatric hospitals are paid. It reduced incentive payments and imposed a limit on what will be paid. The result of this was that many of these providers were hit by a big cut in the first year with no transition period to adjust to the reductions. It is important that these cuts not be continued because patient care may be put at risk. A recent study found that 84% of psychiatric hospitals had payment reductions due to BBA. The average margin went from minus 3% to negative 8.7%.

This legislation proposes to transition psychiatric inpatient providers to a PPS which will allow these institutions to be able to plan and adjust for the future and insure their ability to provide quality care. The proposal also provides a measure of financial relief by limiting payment reductions to no more than 5% in the next two years. This relief will then be paid back in a few years under PPS. After the third year, PPS will be in effect and per diem rates can be adjusted downward by the Secretary of Health and Human Services to pay back savings temporarily lost through the limitation of initial payment reductions. The goal is for the bill to be budget neutral over five years and fully comply with the BBA.

The most important feature of this legislation is that it moves psychiatric facilities out of a cost based system and into a system where they will be paid prospectively, like most other Medicare Providers, and can manage their finances effectively to provide high quality psychiatric care.

I urge my colleagues to join me in cosponsoring this important piece of legislation.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

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

S. 1002

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 ''Medicare Psychiatric Hospital Prospective Payment System Act of 1999''.

SEC. 2. MEDICARE PROSPECTIVE PAYMENT SYSTEM FOR PSYCHIATRIC FACILITIES.

(a) ESTABLISHMENT OF PROSPECTIVE PAYMENT SYSTEM.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended by adding at the end the following:

''(l) PROSPECTIVE PAYMENT SYSTEM FOR INPATIENT PSYCHIATRIC SERVICES.—

''(1) AMOUNT OF PAYMENT.—

''(A) DURING TRANSITION PERIOD.—Notwithstanding section 1814(b), but subject to the provisions of section 1813, the amount of payment with respect to the operating and capital-related costs of inpatient hospital services of a psychiatric facility (as defined in paragraph (7)(C)) for each day of services furnished in a cost reporting period beginning on or after October 1, 2000, and before October 1, 2003, is equal to the sum of—

''(i) the TEFRA percentage (as defined in paragraph (7)(D)) of the facility-specific per diem rate (determined under paragraph (2)); and

''(ii) the PPS percentage (as defined in paragraph (7)(B)) of the applicable Federal per diem rate (determined under paragraph (3)).

''(B) UNDER FULLY IMPLEMENTED SYSTEM.—Notwithstanding section 1814(b), but subject to the provisions of section 1813, the amount of payment with respect to the operating and capital-related costs of inpatient hospital services of a psychiatric facility for each day of services furnished in a cost reporting period beginning on or after October 1, 2003, is equal to the applicable Federal per diem rate determined under paragraph (3) for the facility for the fiscal year in which the day of services occurs.

''(C) NEW FACILITIES.—In the case of a psychiatric facility that does not have a base fiscal year (as defined in paragraph (7)(A)), payment for the operating and capital-related costs of inpatient hospital services shall be made under this subsection using the applicable Federal per diem rate.

''(2) DETERMINATION OF FACILITY-SPECIFIC PER DIEM RATES.—

''(A) BASE YEAR.—The Secretary shall determine, on a per diem basis, the allowable operating and capital-related costs of inpatient hospital services for each psychiatric facility for its cost reporting period (if any) beginning in the base fiscal year (as defined in paragraph (7)(A)), such costs determined as if subsection (b)(8) did not apply.

''(B) UPDATING.—The Secretary shall update the amount determined under subparagraph (A) for each cost reporting period after the cost reporting period beginning in the base fiscal year and before October 1, 2003, by a factor equal to the market basket percentage increase (as defined in subsection (b)(3)(B)(iii)).

''(3) DETERMINATION OF FEDERAL PER DIEM RATE.—

''(A) BASE YEAR.—The Secretary shall determine, on a per diem basis, the allowable operating and capital-related costs of inpatient hospital services for each psychiatric facility for its cost reporting period (if any) beginning in the base fiscal year (as defined in paragraph (7)(A)), such costs determined as if subsection (b)(8) did not apply.

''(B) UPDATING TO FIRST FISCAL YEAR.—The Secretary shall update the amount determined under subparagraph (A) for each cost reporting period up to the first cost reporting period to which this subsection applies by a factor equal to the market basket percentage increase (as defined in subsection (b)(3)(B)(iii)).

''(C) COMPUTATION OF STANDARDIZED PER DIEM RATE.—The Secretary shall standardize the amount determined under subparagraph (B) for each facility by—

''(i) adjusting for variations among facilities by area in the average facility wage level per diem; and

''(ii) adjusting for variations in case mix per diem among facilities (based on the patient classification system established by the Secretary under paragraph (4)).

''(D) COMPUTATION OF WEIGHTED AVERAGE PER DIEM RATES.—

''(i) SEPARATE RATES FOR URBAN AND RURAL AREAS.—Based on the standardized amounts determined under subparagraph (C) for each facility, the Secretary shall compute a separate weighted average per diem rate—

''(I) for all psychiatric facilities located in an urban area (as defined in subsection (d)(2)(D)); and

''(II) for all psychiatric facilities located in a rural area (as defined in subsection (d)(2)(D)).

''(ii) FOR HOSPITALS AND UNITS.—In the areas referred to in clause (i), the Secretary may compute a separate weighted average per diem rate for—

''(I) psychiatric hospitals; and

''(II) psychiatric units described in the matter following clause (v) of subsection (d)(1)(B).

If the Secretary establishes separate average weighted per diem rates under this clause, the Secretary shall also establish separate average per diem rates for psychiatric facilities in such categories that are owned and operated by an agency or instrumentality of Federal, State, or local government and for psychiatric facilities other than such facilities.

''(iii) WEIGHTED AVERAGE.—In computing the weighted averages under clauses (i) and (ii), the standardized per diem amount for each facility shall be weighted for each facility by the number of days of inpatient hospital services furnished during its cost reporting period beginning in the base fiscal year.

''(E) UPDATING.—The weighted average per diem rates determined under subparagraph (D) shall be updated for each fiscal year after the first fiscal year to which this subsection applies by a factor equal to the market basket percentage increase (as defined in subsection (b)(3)(B)(iii)).

''(F) DETERMINATION OF FEDERAL PER DIEM RATE.—

''(i) IN GENERAL.—The Secretary shall compute for each psychiatric facility for each fiscal year (beginning with fiscal year 2001) a Federal per diem rate equal to the applicable weighted average per diem rate determined under subparagraph (E), adjusted for—

''(I) variations among facilities by area in the average facility wage level per diem;

''(II) variations in case mix per diem among facilities (based on the patient classification system established by the Secretary under paragraph (4)); and

''(III) variations among facilities in the proportion of low-income patients served by the facility.

''(ii) OTHER ADJUSTMENTS.—In computing Federal per diem rates under this subparagraph, the Secretary may adjust for outlier cases, the indirect costs of medical education, and such other factors as the Secretary determines to be appropriate.

''(iii) BUDGET NEUTRALITY.—The adjustments specified in clauses (i)(I), (i)(III), and (ii) shall be implemented in a manner that does not result in aggregate payments under this subsection that are greater or less than those aggregate payments that otherwise would have been made if such adjustments did not apply.

''(4) ESTABLISHMENT OF PATIENT CLASSIFICATION SYSTEM.—

''(A) IN GENERAL.—The Secretary shall establish—

''(i) classes of patients of psychiatric facilities (in this paragraph referred to as 'case mix groups'), based on such factors as the Secretary determines to be appropriate; and

''(ii) a method of classifying specific patients in psychiatric facilities within these groups.

''(B) WEIGHTING FACTORS.—For each case mix group, the Secretary shall assign an appropriate weighting factor that reflects the relative facility resources used with respect to patients classified within that group compared to patients classified within other such groups.

''(5) DATA COLLECTION; UTILIZATION MONITORING.—

''(A) DATA COLLECTION.—The Secretary may require psychiatric facilities to submit such data as is necessary to implement the system established under this subsection.

''(B) UTILIZATION MONITORING.—The Secretary shall monitor changes in the utilization of inpatient hospital services furnished by psychiatric facilities under the system established under this subsection and report to the appropriate committees of Congress on such changes, together with recommendations for legislation (if any) that is needed to address unwarranted changes in such utilization.

''(6) SPECIAL ADJUSTMENTS.—Notwithstanding the preceding provisions of this subsection, the Secretary shall reduce aggregate payment amounts that would otherwise be payable under this subsection for inpatient hospital services furnished by a psychiatric facility during cost reporting periods beginning in fiscal years 2001 and 2002 by such uniform percentage as is necessary to assure that payments under this subsection for such cost reporting periods are reduced by an amount that is equal to the sum of—

''(A) the aggregate increase in payments under this title during fiscal years 1999 and 2000, that is attributable to the operation of subsection (b)(8); and

''(B) the aggregate increase in payments under this title during fiscal years 2001 and 2002 that is attributable to the application of the market basket percentage increase under paragraphs (2)(B) and (3)(E) of this subsection in lieu of the provisions of subclauses (VI) and (VII) of subsection (b)(3)(B)(ii). Reductions under this paragraph shall not affect computation of the amounts payable under this subsection for cost reporting periods beginning in fiscal years after fiscal year 2002.

''(7) DEFINITIONS.—For purposes of this subsection:

''(A) The term 'base fiscal year' means, with respect to a hospital, the most recent fiscal year ending before the date of enactment of this subsection for which audited cost report data are available.

''(B) The term 'PPS percentage' means—

''(i) with respect to cost reporting periods beginning on or after October 1, 2000, and before October 1, 2001, 25 percent;

''(ii) with respect to cost reporting periods beginning on or after October 1, 2001, and before October 1, 2002, 50 percent; and

''(iii) with respect to cost reporting periods beginning on or after October 1, 2002, and before October 1, 2003, 75 percent.

''(C) The term 'psychiatric facility' means—

''(i) a psychiatric hospital; and

''(ii) a psychiatric unit described in the matter following clause (v) of subsection (d)(1)(B).

''(D) The term 'TEFRA percentage' means—

''(i) with respect to cost reporting periods beginning on or after October 1, 2000, and before October 1, 2001, 75 percent;

''(ii) with respect to cost reporting periods beginning on or after October 1, 2001, and before October 1, 2002, 50 percent; and

''(iii) with respect to cost reporting periods beginning on or after October 1, 2002, and before October 1, 2003, 25 percent.''.

(b) LIMIT ON REDUCTIONS UNDER BALANCED BUDGET ACT.—Section 1886(b) of the Social Security Act (42 U.S.C. 1395ww(b)) is amended by adding at the end the following:

''(8) Notwithstanding the amendments made by sections 4411, 4414, 4415, and 4416 of the Balanced Budget Act of 1997, in the case of a psychiatric facility (as described in subsection (l)(7(C)(ii)), the amount of payment for the operating costs of inpatient hospital services for cost reporting periods beginning on or after October 1, 1998, and before October 1, 2000, shall not be less than 95 percent of the amount that would have been paid for such costs if such amendments did not apply.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply as if included in the enactment of the Balanced Budget Act of 1997.

By Mr. ROCKEFELLER (for himself, Mr. HATCH, Mr. CRAPO, and Mr. BRYAN):

S. 1003. A bill to amend the Internal Revenue Code of 1986 to provide increased tax incentives for the purchase of alternative fuel and electric vehicles, and for other purposes; to the Committee on Finance.

THE ALTERNATIVE FUELS PROMOTION ACT OF 1999

Mr. ROCKEFELLER. Mr. President, I am proud to introduce today with my colleagues Senators HATCH, CRAPO, and BRYAN the Alternative Fuels Promotion Act. This is an important bipartisan piece of legislation providing tax incentives to help stimulate the still fledgling alternative fuel vehicle industry. It creates a $0.50 per gasoline equivalent gallon tax credit for natural gas, methanol, propane and hydrogen, thus almost leveling the tax treatment for all alternative fuels. The bill also contains provisions for extending the electric vehicle tax credit and augmenting it to encourage advanced technology vehicles. It also expands the existing tax deduction for alternative fuel fueling infrastructure to include the cost of installation. Finally, the bill gives states the authority to allow single occupant alternative fueled vehicles on high occupancy vehicle (HOV) lanes.

I introduce this bill today because I believe that it is time for the next automobile revolution.

I say revolution because as Webster's tells us, the word can mean ''a fundamental change in the way of thinking about something.''

One compelling argument for pursuing fundamental change when it comes to automobiles is the fact that we still need to reduce this nation's dependence on imported oil, for obvious reasons. After all, Saddam Hussein didn't invade Kuwait to increase his supply of sand. We are at an historic high in our dependence on imported oil. Currently, we import approximately one half of the oil consumed in this nation. According to the Energy Information Administration, that level is expected to increase to more than sixty percent within the next decade, unless we do something dramatic to reverse the current trend. Even more foreboding is the fact that most of the oil we import is from the Middle East. It makes no sense for us to stand idly by as this volatile region of the world increases its potential stranglehold over the world's economy.

It is also critical that we reduce the transportation sector's negative impact on air quality. We are in the midst of an alarming increase in reported asthma and other respiratory diseases. This problem is esepcially acute among children and senior citizens. While the automobile industry has made great strides in reducing emissions from cars and trucks, the improvement has been largely offset by the dramatically increasing number of cars, sport utility vehicles and trucks on the road and the increasing number of miles these vehicles are driven each year. Clearly, doing something to cut air pollution and reduce greenhouse gas emissions, for example, requires enormous change in transportation.

The options for bringing about change in the transportation sector are limited. We can pursue punitive new taxes, mandates, or regulations. This approach, I believe, would result in job losses and economic stagnation, situations that are not acceptable to either the American people or the Congress. I believe the best way to bring about the change we need is to provide incentives—to manufacturers to develop and sell clean technology—and to consumers to buy and use that technology.

The domestic automobile manufacturers have been developing a full menu of clean, efficient vehicles for the 21st century. And unlike before, these vehicles are much closer to their gasoline-powered counterparts in terms of performance, safety, comfort, and cost. Just recently, two of our biggest automobile manufacturers unveiled their latest fuel-cell-powered vehicles—the alternative fuel vehicle considered by many to be the car of the 21st century. Much of the technology incorporated into such advanced transportation technologies—hybrids, electric vehicles with advanced batteries, fuel cell vehicles as well as bi-fuel and flex-fuel vehicles—are a direct result of the work government and industry have done together, in full partnership, through programs like the United States Advanced Battery Consortium and the Partnership for a New Generation of Vehicles.

Perhaps most exciting is that some of these ''cars of the future'' are available today. Electric vehicles are being sold, albeit in small numbers, to fleets nationwide, and to select target markets in California and Arizona. Also, most major automakers have alternative fuel vehicles available for either fleet or private purchase.

And there is encouraging news on the infrastructure front as well. Alternative fuel providers and electric utilities throughout the country are putting the infrastructure in place to support alternative fuel and electric vehicles in operation. By the end of 1998, nearly 300 public charging sites with more than 600 chargers, as well as hundreds of home chargers, and a number of fleet installations, were established throughout California and Arizona. We need more of this to happen nationally. There are also more than 110 methanol stations nationwide supporting alternative and flex fuel vehicles. Also, compressed natural gas and other natural gas-based fuels are developing infrastructure as well. For example, in my state of West Virginia alone there are over 40 compressed natural gas fueling stations.

I think this is all evidence that we have indeed initiated an automotive revolution. Unfortunately, the market hasn't developed as quickly as we thought it would when we passed the Energy Policy Act of 1992 with such high hopes. And perhaps we were too optimistic about what would be required by both government and industry to build a sustainable market for the technology.

So, what can we do to speed things up? How can we make sure there are more vehicles available, get more people to buy them, and develop the infrastructure to sustain them?

First, as I mentioned earlier, the alternative fuel and electric vehicle markets started more slowly than I think many of us expected. Therefore, we need to extend the phase-out dates of current tax credits. This would continue to help us ''jumpstart'' the market for electric vehicles, and lay out a longer-term incentive policy. Also, I feel that hard work and progress should be encouraged. Electric vehicles with extended range capability are the result of additional investments in research and technology. This behavior needs to be rewarded.

Second, there needs to be more support for the development of an effective alternative fuel fueling infrastructure. For too long, we been caught in a 'chicken and egg' cycle, with the infrastructure not available to support alternative fuel vehicles, and consumers not interested in the vehicles because there's not support infrastructure. We need to break this cycle by creating better tax incentives to help develop alternative fuel infrastructure. The current tax deductions for capitol equipment is not sufficient since a large portion of the overall cost may be associated with the actual cost of installation.

Finally, we must make alternative fuels, like natural gas, methanol, propane and hydrogen, economically attractive to producers, distributors,

marketers and buyers. If consumers see affordable new fuels available at their local fueling stations, they will be much more likely to actually use an alternative fuel vehicle. Tax incentives have traditionally been very effective in encouraging consumers to try new technology. While changing consumer's behavior is not easy, I am confident that if people begin to see that alternative fuels are available and affordable, they will soon begin to use them. Without the economic drive at every link in the fuel chain any alternative fuel effort will not succeed.

This is why today I along with my colleagues are introducing the Alternative Fuels Promotion Act.

This bill contains provisions for extending the $4,000 tax credit for electric vehicles until 2010. It also grants an additional $5,000 tax credit for electric vehicles that meet a 100 mile range requirement. These provisions will help electric vehicle commercialization and research to move forward at a faster pace, and will mean that more people will be able to buy electric vehicles.

However, few people will buy electric vehicles and other alternatively fueled vehicles if there is nowhere to refuel them. I want to encourage the development of these stations. Therefore, my bill expands the current tax deduction for alternative fuel fueling capital equipment to include the cost of installation. This will allow more infrastructure for electric and alternative fuel vehicles to be installed and used.

The Alternative Fuels Promotion Act also makes clean-burning alternative fuels economically attractive. The bill provides a $0.50 per gasoline equivalent gallon tax credit to the seller of compressed natural gas, liquefied natural gas, methanol, propane or hydrogen. This will allow these non-petroleum fuels to become more economically favorable to the consumer through lower prices at the pump. It also places these fuels on tax parity with other alternatives. By giving the tax credit to the seller of the fuel, it reduces the paperwork burden on the individual consumer, and allows for easier dispersal of the credit throughout the production/delivery/marketing chain so that all parties are interested in increasing the consumption of alternative fuels.

Finally, the Alternative Fuel Promotion Act gives states the ability to decide if they want to allow single occupant alternative fuel and electric vehicles in HOV lanes. This is, I feel, a strong incentive that states should be allowed, but not required, to give to owners of these special vehicles.

We know that when national policy works in support of the energies and potential of the private sector, far more progress can be made at a far faster rate. The private sector is leading the way in developing alternatives fuel vehicle technology. We need to provide consumers with a strong financial incentive to use this technology. Certainly, our continued dependence on foreign oil and the contribution of conventionally powered vehicles to air pollution should drive us to try. In my case, I see exciting prospects for new uses of West Virginia's natural resources and other economic benefits for my state—along with other states. I encourage my colleagues to support this bill and I ask unanimous consent that the text of the bill appear in the RECORD.

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

S. 1003

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 ''Alternative Fuels Promotion Act''.

SEC. 2. FINDINGS.

The Senate finds the following:

(1)(A) Since 1994, the United States has imported over half its oil.

(B) Without efforts to mitigate this dependence on foreign oil, the percentage of oil imported is expected to grow to all-time highs.

(C) This reliance on foreign oil presents a national security risk, which Congress should address through policy changes designed to increase the use of domestically-available alternative transportation fuels.

(2)(A) The importing of a majority of the oil used in the United States contributes negatively to the balance of trade of the United States.

(B) Assuring the Nation's economic security demands the development and promotion of domestically-available alternative transportation fuels.

(3)(A) The reliance on oil as a transportation fuel has numerous negative environmental consequences, including increasing air pollution and greenhouse gas emissions.

(B) Developing alternative transportation fuels will help address these environmental impacts by reducing emissions.

(4) In order to encourage installation of alternative fueling infrastructure, and make alternative fuels economically favorable to the producer, distributor, marketer, and consumer, tax credits provided at the point of distribution into an alternative fuel vehicle are necessary.

(5)(A) In the short-term, United States alternative fuel policy must be made fuel neutral.

(B) Fuel neutrality will foster private innovation and commercialization using the most technologically feasible and economic fuels available.

(C) This will allow market forces to decide the alternative fuel winners and losers.

(6)(A) Tax credits which have been in place have led to increases in the quantity and quality of alternative fuel technology available today.

(B) Extending these credits is an efficient means of promoting alternative fuel vehicles and alternative fueling infrastructures.

(7)(A) The Federal fleet is one of the best customers for alternative fuel vehicles due to its combination of large purchasing power, tight record keeping, geographic diversity, and high fuel usage.

(B) For these reasons, the National Energy Policy Act of 1991 required Federal fleets to purchase certain numbers of alternatively-fueled vehicles.

(C) In most cases, these requirements have not been met.

(D) Efforts must be made to ensure that all Federal agencies comply with Federal fleet purchase requirement laws and executive orders.

TITLE I—TAX INCENTIVES

SEC. 101. CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) INCREASED CREDIT FOR VEHICLES WHICH MEET CERTAIN RANGE REQUIREMENTS.—

(1) IN GENERAL.—Section 30(a) of the Internal Revenue Code of 1986 (relating to allowance of credit) is amended to read as follows:

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

''(A) 10 percent of the cost of any qualified electric vehicle placed in service by the taxpayer during the taxable year, plus

''(B) in the case of any such vehicle also meeting the requirement described in paragraph (2), $5,000.

''(2) RANGE REQUIREMENT.—The requirement described in this paragraph is a driving range of at least 100 miles—

''(A) on a single charge of the vehicle's rechargeable batteries, fuel cells, or other portable source of electrical current, and

''(B) measured pursuant to the urban dynamometer schedules under appendix I to part 86 of title 40, Code of Federal Regulations.''.

(2) CONFORMING AMENDMENT.—Section 30(b)(1) of the Internal Revenue Code of 1986 is amended by striking ''subsection (a)'' and inserting ''subsection (a)(1)(A)''.

(b) CREDIT EXTENDED THROUGH 2010.—

(1) IN GENERAL.—Section 30(e) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''2004'' and inserting ''2010''.

(2) CONFORMING AMENDMENTS.—Section 30(b)(2) of such Code (relating to phaseout) is amended—

(A) by striking ''2002'' in subparagraph (A) and inserting ''2008'',

(B) by striking ''2003'' in subparagraph (B) and inserting ''2009'', and

(C) by striking ''2004'' in subparagraph (C) and inserting ''2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of enactment of this Act.

SEC. 102. ADDITIONAL DEDUCTION FOR COST OF INSTALLATION OF ALTERNATIVE FUELING STATIONS.

(a) IN GENERAL.—Subparagraph (A) of section 179A(b)(2) of the Internal Revenue Code of 1986 (relating to qualified clean-fuel vehicle refueling property) is amended to read as follows:

''(A) IN GENERAL.—The aggregate cost which may be taken into account under subsection (a)(1)(B) with respect to qualified clean-fuel vehicle refueling property placed in service during the taxable year at a location shall not exceed the sum of—

''(i) with respect to costs not described in clause (ii), the excess (if any) of—

''(I) $100,000, over

''(II) the aggregate amount of such costs taken into account under subsection (a)(1)(B) by the taxpayer (or any related person or predecessor) with respect to property placed in service at such location for all preceding taxable years, plus

''(ii) the lesser of—

''(I) the cost of the installation of such property, or

''(II) $30,000.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of enactment of this Act.

SEC. 103. CREDIT FOR RETAIL SALE OF CLEAN BURNING FUELS AS MOTOR VEHICLE FUEL.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by inserting after section 40 the following:

"SEC. 40A. CREDIT FOR RETAIL SALE OF CLEAN BURNING FUELS AS MOTOR VEHICLE FUEL.

''(a) GENERAL RULE.—For purposes of section 38, the clean burning fuel retail sales credit of any taxpayer for any taxable year is 50 cents for each gasoline gallon equivalent of clean burning fuel sold at retail by the taxpayer during such year as a fuel to propel any qualified motor vehicle.

''(b) DEFINITIONS.—For purposes of this section—

''(1) CLEAN BURNING FUEL.—The term 'clean burning fuel' means natural gas, compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen, and any liquid at least 85 percent of which consists of methanol.

''(2) GASOLINE GALLON EQUIVALENT.—The term 'gasoline gallon equivalent' means, with respect to any clean burning fuel, the amount (determined by the Secretary) of such fuel having a Btu content of 114,000.

''(3) QUALIFIED MOTOR VEHICLE.—The term 'qualified motor vehicle' means any motor vehicle (as defined in section 179A(e)) which meets any applicable Federal or State emissions standards with respect to each fuel by which such vehicle is designed to be propelled.

''(4) SOLD AT RETAIL.—

''(A) IN GENERAL.—The term 'sold at retail' means the sale, for a purpose other than resale, after manufacture, production, or importation.

''(B) USE TREATED AS SALE.—If any person uses clean burning fuel as a fuel to propel any qualified motor vehicle (including any use after importation) before such fuel is sold at retail, then such use shall be treated in the same manner as if such fuel were sold at retail as a fuel to propel such a vehicle by such person.

''(c) NO DOUBLE BENEFIT.—The amount of the credit determined under subsection (a) shall be reduced by the amount of any deduction or credit allowable under this chapter for fuel taken into account in computing the amount of such credit.

''(d) TERMINATION.—This section shall not apply to any fuel sold at retail after December 31, 2007.''.

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to current year business credit) is amended by striking ''plus'' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting '', plus'', and by adding at the end the following:

''(13) the clean burning fuel retail sales credit determined under section 40A(a).''.

(c) TRANSITIONAL RULE.—Section 39(d) of the Internal Revenue Code of 1986 (relating to transitional rules) is amended by adding at the end the following:

''(9) NO CARRYBACK OF SECTION 40A CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the clean burning fuel retail sales credit determined under section 40A(a) may be carried back to a taxable year ending before January 1, 1999.''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 40 the following:

''Sec. 40A. Credit for retail sale of clean burning fuels as motor vehicle fuel.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold at retail after December 31, 1999, in taxable years ending after such date.

TITLE II—PROGRAM EFFICIENCIES

SEC. 201. EXCEPTION TO HOV PASSENGER REQUIREMENTS FOR ALTERNATIVE FUEL VEHICLES.

Section 102(a) of title 23, United States Code, is amended by inserting ''(unless, at the discretion of the State highway department, the vehicle operates on, or is fueled by, an alternative fuel (as defined in section 301 of Public Law 102-486 (42 U.S.C. 13211(2)))'' after ''required''.

Mr. HATCH. Mr. President, I rise today as an original cosponsor of the Alternative Fuels Promotion Act, together with my colleagues, Senators ROCKEFELLER, CRAPO, and BRYAN. The legislation we introduce today will help to solve one of our Nation's most expensive problems—air pollution.

As air pollution was introduced at the beginning of this century, it is fitting that, at century's end, we should find solutions to this vexing problem.

Automobiles are a major source of pollution in our urban areas. Past efforts to address this mobile-source pollution have been fraught with pitfalls; and, as a result, the effort to control automobile emissions has progressed in fits and starts. The Alternative Fuels Promotion Act avoids past mistakes, leaving behind command-and-control mandates from Congress and providing market-based incentives for consumers and for much needed infrastructure development.

Mr. President, as we speak, my State of Utah is engaged in a mammoth road construction project on Interstate 15. This freeway runs right through Salt Lake City and through three counties in Utah that have struggled to meet national clean air standards.

It might suggest that we should not improve or repair highways. Could it be that the availability of convenient and efficient roadways is in part responsible for our emissions problem? I doubt it. While the Eisenhower vision of a vast nation connected by interstate highways may have encouraged more people to commute or vacation by car, the fact is that vehicular traffic is increasing almost everywhere. One-car families have become two-car and three-car families.

I do not believe that more cars crowded onto old and inefficient highways is the answer. In fact, slow-moving traffic is part of the problem.

According to a recent study by Utah's Division of Air Quality, on-road vehicles account for 22 percent of coarse particulate matter in Utah. Particulate matter can be harmful to those already suffering from chronic respiratory or heart disease, influenza, or asthma. Automobiles also account for 34 percent of hydrocarbon and 52 percent of nitrogen oxide emissions in my state. These two pollutants react in sunlight to form ozone, which in turn reduces lung function in humans and hurts our resistance to colds and asthma. Ozone may also lead to premature aging of lung tissue. In Utah, vehicles account for a whopping 87 percent of carbon monoxide emissions. Carbon monoxide can be harmful to persons with heart, respiratory, or circulatory ailments.

Mr. President, while Utah has made important strides in improving air quality, more vehicular miles are driven every year. If we are to have cleaner air, we must encourage low emission alternative fuels or electric power.

The need for alternative fuels will dramatically increase as the Environmental Protection Agency continues to implement its new, stricter clean air standards. With the tighter standards, some of Utah's counties will, once again, face non-attainment. Under the Clean Air Act, the EPA can impose sanctions on a state's highway fund if it determines a state has not adequately implemented plans to attain air quality standards, a sanction which, as I have suggested, may actually be counterproductive.

Nevertheless, non-attainment can be a costly enterprise, whether due to the loss of federal highway money or to the expensive measures taken to reach attainment. And, as I have suggested, may be counterproductive.

By the EPA's own estimates, the annual cost of achieving the new ozone standard in 2010 will be about $9.6 billion. Additionally, the EPA puts the annual cost of achieving the PM 2.5 standard at $37 billion, making for a combined total cost of $47 billion annually. Mr. President, our most recent census count estimated that there are 65 million families in the U.S. So, by the EPA's own account, implementing the new air quality standards will cost about $723 per family every year.

Wouldn't it be wise, Mr. President, to invest some of that money in the development of alternative fuels?

Take natural gas as an example. Natural gas is one of the cleanest burning fuels available. Add to this, methanol, propane has a variety of options that would allow Americans to continue to drive their cars, while dramatically cutting back on air pollution.

Mr. President, research has brought us a number of excellent options to replace our dependency on traditional gasoline powered autos. It appears that our last obstacle remains bringing these alternatives to the marketplace. Past efforts to do so have failed to produce the hoped-for results because they have been too heavy on mandates and too weak on incentives to car buyers and to improve infrastructure.

Clearly, if consumers are to begin buying alternative fuel vehicles, two elements must be in place: first, the price for vehicles and their fuel must be right; second, the consumer must feel confident that the infrastructure is in place with refueling stations widely available.

This is where the Alternative Fuels Promotion Act comes into play. With this legislation, we take important steps forward to meet these goal without mandates. The only requirement in this bill is that federal agencies submit an annual report on their use of alternative fuel vehicles in their fleets.

The Alternative Fuels Promotion Act encourages customers to purchase alternative fuels through a tax credit. Congress has already given ethanol users a tax credit of 54 cents per gallon. When adjusted for its energy capacity, ethanol's gasoline-gallon equivalent credit equals 82 cents. Our legislation levels the playing field by extending a 50-cent gasoline-gallon equivalent tax credit for the other alternative fuels, such as hydrogen, natural gas, propane, methanol, and electricity.

There currently exists a tax credit for the purchase of electric vehicles. Our bill would extend the life of that credit, giving a continued incentive for companies to develop this technology. The current tax credit equals 10 percent of the purchase price of the vehicle, up to $4,000. Our legislation would extend the sunset date for this credit to 2010 and give an additional $5,000 credit toward any electric vehicle with a range over 100 miles.

Mr. President, consumers will never be interested in alternative fuel vehicles until a strong infrastructure is developed. Under current law, there is a $100,000 tax deduction for the capital costs of equipment at alternative fuel stations. This legislation extends that benefit to construction and installation costs at a new filling station. Often constructions costs outweigh capital costs as a barrier to the installation of new alternative fuel stations.

These measures will jump start a movement already under way toward increased use of alternative fuel vehicles. In California and Arizona there are already about 300 public charging sites for electric vehicles. Utah has led the way in natural gas infrastructure. An owner of a natural gas vehicle can crisscross my state from Logan in the north to St. George in the south, and from Salt Lake to the eastern border finding filling stations all along the way. This is progress, but much more needs to be done.

Mr. President, I believe the momentum is building in this nation for a leap forward in the use of alternative fuel vehicles. There is broad agreement that our approach with this legislation is the proper course to help promote this step. In a letter to me, Utah's Clean Cities Coalition signaled its support for this measure. I quote, ''We believe that for the people living in urban Utah now is a good time to take strong action to encourage Utahns to buy alternative, clean-burning vehicles. We ask that you support the 50-cent per gallon tax credit.''

This bill has also gained the support of the Wasatch Clean Air Coalition in Utah. They stated, ''We believe this tax credit would have a strong positive impact on our local air quality by encouraging the use of alternative fuels, and increasing the portion of cars on our roads fueled by alternative fuels.''

Finally, the American Lung Association has told me that, ''Motor vehicles are a major source of pollution along the Wasatch Front. While automobiles do run cleaner these days, and while alternative forms of transportation are being considered, more needs to be done to address the current and future sources of emissions and poor air quality. One reasonable strategy to cut down on the amount of pollutants in the air is to increase the use of clean fuel vehicles. Vehicles that run on natural gas, propane or electric simply are cleaner burning than those fueled by gasoline or diesel. . . . This legislation will encourage an increased number of clean fuel vehicles on the road, and clean air for years to come.''

Mr. President, I think we all know that 50 years down the road, we will not still be using petroleum fueled vehicles to the same extent we do today. This legislation is an attempt to bring the benefits of cleaner air to our citizens sooner, to free our cities from expensive EPA regulations, and to reduce our consumption of foreign oil. This legislation enables us to tackle these problems with incentives, not mandates. I urge my colleagues to join us in this future-minded approach to cleaning our air.

Mr. CRAPO. Mr. President, I rise in support of the Alternative Fuels Promotion Act, which is introduced today by Senators ROCKEFELLER, HATCH, BRYAN, and myself.

There are many reasons for my support of the Alternative Fuels Promotion Act offered today, in the Senate. A number of those reasons may not be immediately evident, given that the merits of alternative fuels are most often spoken in terms of environmental protection. While there are significant environmental benefits that can be gained from this bill, there are also benefits to be obtained in national security, promotion of the domestic oil industry, the encouragement of business development and innovation, and increased options for the consumer.

Over half of the oil consumed in the United States is produced overseas. Internal combustion vehicles, cars, and trucks, are the primary market for this cheap and readily available source of energy. We, as a nation, have become complacent in our assumption that this stream of easily obtainable fuel will flow forever. It is time for this assumption to be challenged. Most of us have viewed this as simply an economic issue: buy what is cheapest and most available. However, this source of fuel is vulnerable to interruption by foreign governments through changing attitudes toward the U.S., foreign policy or military conflict. The United States should take positive and sure steps toward developing domestically available alternative sources of fuel in order that our economy and accustomed way of life cannot be threatened by the whims and troubles of those outside of our borders.

The flood of foreign oil into the U.S. has left the domestic oil industry fighting for its life. Our support for alternative fueled vehicles should not be interpreted as a challenge or competition to the domestic oil industry. In direct contrast, it recognizes the importance of that industry of our national security. Petroleum products and fuels, including gasoline, will be needed far into the future for the transportation requirements of individuals, mass transportation, and conveyance of goods. The development of alternative fuels that are plentiful in this country, in conjunction with support for our domestic oil industry, will provide us a level of economic national security that we have not experienced for most of this century. By our efforts to revive the U.S. oil industry and the development of alternative fuels and vehicles, we will not be held hostage by foreign governments in gas lines again.

The number of innovative alternative fuel technologies is encouraging. This bill supports the further development of vehicles that are powered by electricity, fuel cells, methanol, and various forms of natural gas. Tax incentives are already in place for other technologies such as ethanol. Support for all promising alternative fuels is warranted in order to give consumers options for choosing those vehicles that will best serve their needs; whether a company requires a fleet of natural gas powered buses to transport their employees of work sites, or an individual's preference for an electric vehicle for in-town use to commute to work or run errands.

The enactment of tax incentives for emerging technologies is the logical way to encourage the development of cost effective alternative fueled vehicles, without the federal government mandating a preference. Leveling the tax incentive playing field within the alternative fuel energy sector will encourage partnerships between traditional providers of transportation and fuel products, and new companies with promising innovations. Instead of fighting change, traditional industry providers will participate in it and benefit from it. Increased market demand for alternative fuel vehicle technologies will also provide an opportunity and an incentive for the federal government to place greater emphasis on research and development in this industry sector. The results of which can then be leveraged into the private market.

While the environmental benefits of cleaner burning fuels are often the most talked about and often the most evident; we should not discount the benefits that can be gained by developing our nation's energy independence.

By Mr. BURNS (for himself and Mr. INHOFE):

S. 1004. A bill to amend the Communications Act of 1934 to reduce telephone rates, provide advanced telecommunications services to schools, libraries, and certain health care facilities, and for other purposes; to the Committee on Finance.

SCHOOLS AND LIBRARIES INTERNET ACCESS ACT OF 1999

• Mr. BURNS. Mr. President, I am pleased to be introducing today, along with Senator INHOFE, the Schools and Libraries Internet Access Act of 1999. This bill addresses a timely and critical issue, that of the implementation of the schools and libraries program. Recently, new charges began appearing on people's telephone bills. These are the charges which providers are assessing to pay for the expansion of ''universal service'' in the form of the ''schools and libraries'' program. This bill is especially timely since Chairman Kennard announced last week that he's calling for a $1 billion annual increase in the e-rate program. That's an additional Billion in taxes that would be enacted without any review or commentary in Congress, and, most importantly, without a vote by our citizens' representatives. Congress needs to step to the plate and provide specific funding for this program that we all feel is important for rural and low-income regions.

I don't think anyone in the Senate ever thought that the limited language which we included in the 1996 Act would be used to create a massive new entitlement program through universal service. Universal service has historically meant the provision of telecommunications services to all Americans, regardless of geographical location. The FCC has expanded the definition of universal service to include broad-ranging social programs, which has caused the Commission's progress toward maintaining universal service to be delayed. While such goals as providing Internet access to schools and libraries may be laudable, they were never meant to be part of universal service as it has traditionally been known. Indeed, a huge additional burden has been placed on rural states like Montana in meeting these newfound definitions.

I want to make it clear, however, that I have always supported the goal of connecting all of our schools to the Internet, as well as the provision of advanced telecommunications services to rural health care centers. I just felt that it was wrong to fund these programs on the backs of American consumers. It is with this in mind that I have proposed using an outdated 3 percent excise tax on telephones to fund the schools and libraries and rural health care programs. Currently, none of the money collected by the tax goes to fund telephone service for Americans.

This tax was designed to fund World War I and was instituted in an era where telephones were a luxury. Well, World War I should be paid for by now and phones are certainly no longer a luxury item. The 3 percent tax was kept alive to provide revenue to offset the deficit. In today's climate of budgetary surplus, this justification no longer makes sense. My proposal calls for cutting the excise tax by two-thirds and using the remaining third to fund the schools and libraries program and the rural health care program.

This proposal is a win/win solution. It's a win for consumers, since it would eliminate the need for new charges on telephone service. It's a win for taxpayers, who would see billions of dollars in current taxes eliminated. It's a win for our schools, libraries and rural health care centers, who would see their programs fully funded without threatening universal service. With the support of the other members of Congress and the leadership of the Senate, I believe this proposal can solve the current crisis we face in funding the schools and libraries and rural health care programs.

The Schools and Libraries Internet Access Act of 1999 is an important effort to shape the future of online access. I strongly encourage my colleagues to support the passage of this bill.•

By Mr. LAUTENBERG:

S. 1005. A bill to amend title 23, United States Code, to provide for national minimum sentences for individuals convicted of operating motor vehicles under the influence of alcohol; to the Committee on Environment and Public Works.

DEADLY DRIVER REDUCTION ACT

Mr. LAUTENBERG. Mr. President, today I am announcing new legislation that will go even further in taking drunk drivers off the road. This legislation means three strikes and, then, you lose your license.

This would set nation-wide standards for license revocation for drunk drivers. Currently, states have a patchwork of laws that range from a fifteen day suspension to a ten year revocation for a third offense. This bill would require that all states adopt at least the following for each level of conviction, otherwise they would face a 10 percent cut in their highway funds.

For the first offense, this bill calls for a six-month license revocation, $500 fine, and assessment of alcohol abuse. If a person's blood alcohol content (BAC) is .16 or greater, his or her punishment includes a ceiling of .05 BAC for the next five years, impoundment/immobilization of his car for 30 days, an ignition interlock for 180 days, and 10 days in jail or 60 hours of community service.

For the second offense, the repeat offender receives a one year license revocation, a ceiling of .05 BAC for the next five years, impoundment/immobilization of his or her car for 60 days, ignition interlock for a year, 10 days jail or 60 hours of community service, and an assessment of alcohol abuse.

And, finally, for the third offense, the repeat offender will lose his driver's license permanently.

With a tough license-revocation law, we can save hundreds of lives each year. This is the next logical step in the fight against drunk driving. It will build on what we started in 1984, when Democrats and Republicans joined together to increase the drinking age to 21. Back then, the liquor lobby issued all kinds of dire warnings that the industry would not survive that legislation. But of course, the industry did survive. And more than 10,000 drunk-driving deaths were prevented.

We need this legislation. Remember, drunk-driving deaths are not ''accidents.'' They are the result of somebody's irresponsible and criminally reckless behavior.

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

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

S. 1005

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 ''Deadly Driver Reduction Act''.

SEC. 2. NATIONAL MINIMUM SENTENCES FOR INDIVIDUALS CONVICTED OF OPERATING MOTOR VEHICLES WHILE UNDER THE INFLUENCE OF ALCOHOL.

(a) IN GENERAL.—Section 164 of title 23, United States Code, is amended to read as follows:

''§ 164. National minimum sentences for individuals convicted of operating motor vehicles while under the influence of alcohol

''(a) DEFINITIONS.—In this section:

''(1) BLOOD ALCOHOL CONCENTRATION.—The term 'blood alcohol concentration' means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

''(2) DRIVING UNDER THE INFLUENCE.—The term 'driving under the influence' means operating a motor vehicle while having a blood alcohol concentration above the limit established by the State in which the motor vehicle is operated.

''(3) MOTOR VEHICLE.—The term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated solely on a rail line or a commercial vehicle.

''(4) OPERATE.—The term 'operate', with respect to a motor vehicle, means to drive or be in actual physical control of the motor vehicle.

''(b) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

''(1) FISCAL YEAR 2003.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (4) of section 104(b) on October 1, 2002, if the State does not meet the requirements of paragraph (3) on that date.

''(2) SUBSEQUENT FISCAL YEARS.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (4) of section 104(b) on October 1, 2003, and on October 1 of each fiscal year thereafter, if the State does not meet the requirements of paragraph (3) on that date.

''(3) REQUIREMENTS.—

''(A) IN GENERAL.—A State meets the requirements of this paragraph if the State has enacted and is enforcing a law that provides for a minimum sentence consistent with the following and with subparagraph (B):

''(i) Except as provided in clause (ii), in the case of the first conviction of an individual

for driving under the influence, a sentence requiring—

''(I) revocation of the individual's driver's license for 6 months;

''(II) payment of a $500 fine by the individual; and

''(III)(aa) an assessment of the individual's degree of alcohol abuse; and

''(bb) appropriate treatment.

''(ii) In the case of the first conviction of an individual for operating a motor vehicle with a blood alcohol concentration of .16 or greater, a sentence requiring—

''(I) revocation of the individual's driver's license for 6 months, or for 2 years if, at the time of arrest, the individual refused to take a breath test to determine the individual's blood alcohol concentration;

''(II) imposition of a requirement on the individual prohibiting the individual from operating a motor vehicle with a blood alcohol concentration of .05 or greater for 5 years;

''(III) impoundment or immobilization of the individual's motor vehicle for 30 days;

''(IV) imposition of a requirement on the individual requiring the installation of an ignition interlock system on the individual's motor vehicle for 180 days;

''(V) payment of a $750 fine by the individual;

''(VI) 10 days of imprisonment of, or 60 days of community service by, the individual; and

''(VII)(aa) an assessment of the individual's degree of alcohol abuse; and

''(bb) appropriate treatment.

''(iii) Except as provided in clause (iv), in the case of the second conviction of an individual for driving under the influence, a sentence requiring—

''(I) revocation of the individual's driver's license for 1 year, or for 2 years if, at the time of arrest, the individual refused to take a breath test to determine the individual's blood alcohol concentration;

''(II) imposition of a requirement on the individual prohibiting the individual from operating a motor vehicle with a blood alcohol concentration of .05 or greater for 5 years;

''(III) impoundment or immobilization of the individual's motor vehicle for 60 days;

''(IV) imposition of a requirement on the individual requiring the installation of an ignition interlock system on the individual's motor vehicle for 1 year;

''(V) payment of a $1,000 fine by the individual;

''(VI) 10 days of imprisonment of, or 60 days of community service by, the individual; and

''(VII)(aa) an assessment of the individual's degree of alcohol abuse; and

''(bb) appropriate treatment.

''(iv) In the case of the third or subsequent conviction of an individual for driving under the influence, or in the case of a second such conviction if the individual's first such conviction was a conviction described in clause (ii), a sentence requiring permanent revocation of the individual's driver's license.

''(B) REVOCATIONS.—A revocation of a driver's license under subparagraph (A) shall not be subject to any exception or condition, including an exception or condition to avoid hardship to any individual.

''(c) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

''(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

''(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2004.—Any funds withheld under subsection (b) from apportionment to any State on or before September 30, 2004, shall remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

''(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2004.—No funds withheld under this section from apportionment to any State after September 30, 2004, shall be available for apportionment to the State.

''(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (b) from apportionment are to remain available for apportionment to a State under paragraph (1)(A), the State meets the requirements of subsection (b)(3), the Secretary shall, on the first day on which the State meets the requirements, apportion to the State the funds withheld under subsection (b) that remain available for apportionment to the State.

''(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—

''(A) IN GENERAL.—Any funds apportioned under paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned.

''(B) TREATMENT OF CERTAIN FUNDS.—Any funds apportioned under paragraph (2) that are not obligated at the end of the period referred to in subparagraph (A) shall lapse.

''(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (b) from apportionment are available for apportionment to a State under paragraph (1)(A), the State does not meet the requirements of subsection (b)(3), the funds shall lapse.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by striking the item relating to section 164 and inserting the following:

''164. National minimum sentences for individuals convicted of operating motor vehicles while under the influence of alcohol.''.

By Mr. TORRICELLI (for himself, Mrs. BOXER, Mrs. FEINSTEIN, Mr. KERRY, and Mr. LAUTENBERG):

S. 1006. A bill to end the use of conventional steel-jawed leghold traps on animals in the United States; to the Committee on Environment and Public Works.

STEEL-JAWED LEGHOLD TRAP ACT OF 1999

• Mr. TORRICELLI. Mr. President, today, Senators BOXER, FEINSTEIN, KERRY (Ma.), LAUTENBERG and I rise to introduce legislation to end the use of the conventional steel-jawed leghold trap. I rise to draw this country's attention to the many liabilities of this outdated device and ask for my colleagues support in ending its use.

While this bill does not prohibit trapping, it does outlaw a particularly savage method of trapping by prohibiting the import or export of, and the interstate shipment of conventional steel-jawed leghold traps and articles of fur from animals caught in such traps.

The conventional steel-jawed leghold trap is a cruel and antiquated device for which many alternatives exist. The American Veterinary Medical Association and the American Animal Hospital Association have condemned leghold traps as ''inhumane'' and the majority of Americans oppose the use of this class of trap. California became the fourth state in recent years to pass a statewide ballot initiative to ban steel-jawed leghold traps—Arizona, Colorado, and Massachusetts are the other three states to have decided the issue by a direct vote of the people. A number of other states, including Florida, New Jersey, and Rhode Island, have legislative or administrative bans on these devices. In addition, 88 nations have banned their use.

This important and timely issue now takes on added importance as the United States and the European Union (E.U.) recently reached an agreement to implement humane trapping standards. This agreement requires the U.S. to phase out leghold traps. Without this agreement, the E.U. would have prohibited the importation of U.S. fur from thirteen species commonly captured with leghold traps. Adoption of my legislation will fulfill the U.S. obligation to the E.U. and reduce tremendous and unnecessary suffering of animals. By ending the use of the conventional steel-jawed leghold trap within our borders, we will effectively set a humane standard for trapping, as well as protect the U.S. fur industry by keeping Europe's doors open to U.S. fur.

One quarter of all U.S. fur exports, $44 million, go to the European market. Of this $44 million, $21 million would be eliminated by the ban. This would clearly cause considerable economic damage to the U.S. fur industry, an important source of employment for many Americans. Since many Americans rely on trapping for their livelihood, it is imperative to find a solution which prevents the considerable damage that this ban would cause to our fur industry. It is important to note that since the steel-jawed leghold trap has been banned in Europe, alternatives have been provided to protect and maintain the European fur industry.

Our nation would be far better served by ending the use of the archaic and inhumane steel-jawed leghold trap. By doing so, we are not only setting a long-overdue humane standard for trapping, we are ensuring that the European market remains open to all American fur exports.•

By Mr. BAUCUS (for himself and Mr. LEVIN):

S. 1008. A bill to modify the standards for responding to import surges under section 201 of the Trade Act of 1974, to establish mechanisms for import monitoring and the prevention of circumvention of United States trade laws, and to strengthen the enforcement of United States trade remedy laws; to the Committee on Finance.

IMPORT SURGE RELIEF ACT OF 1999

Mr. BAUCUS. I thank the Chair. Again, I thank my good friend from Minnesota, as well as the Presiding Officer from Wyoming, who was very generous in allowing us to proceed at this time.

Mr. President, I rise today to introduce the Import Surge Relief Act of