

S. 1437

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 "Thomas Jefferson Researcher's Privilege Act of 1999".

SEC. 2. FREEDOM OF INFORMATION REQUESTS.

Section 552(b)(4) of title 5, United States Code, is amended—

- (1) by inserting "(A)" after "(4)"; and
- (2) by adding at the end the following:

"(B) data, records, or information, including actual research documents, collected or produced in the conduct of or as a result of study or research on academic, commercial, scientific, or technical issues, including—

"(i) unpublished lecture notes, unpublished research notes, data, processes, results or other confidential information from research which is in progress, unpublished or not yet verified; or

"(ii) any other information related to research, the disclosure of which could affect—

"(I) the conduct or outcome of the research;

"(II) the likelihood of similar research in the future;

"(III) the ability to obtain patents or copyrights from the research; or

"(IV) any other proprietary rights any entity may have in the research or results of the research;"

SEC. 3. FEDERAL RULES OF CIVIL PROCEDURE.

Rule 45(c)(3) of the Federal Rules of Civil Procedure is amended—

- (1) in subparagraph (A)—

(A) in clause (iv) by striking the period and inserting a comma and "or"; and

- (B) by adding at the end the following:

"(v) requires disclosure of data, records, or information, including actual research documents, collected or produced in the conduct of or as a result of study or research on academic, commercial, scientific, or technical issues, including—

"(I) unpublished lecture notes, unpublished research notes, data, processes, results or other confidential information from research which is in any progress, unpublished or not yet verified, or

"(II) any other information related to research, the disclosure of which could affect the conduct or outcome of the research, the likelihood of similar research in the future, the ability to obtain patents or copyrights from the research, or any other proprietary rights any entity may have in the research or results of the research;" and

- (2) in subparagraph (B)—

(A) in clause (iii) by inserting "or" after the comma; and

(B) by inserting after clause (iii) the following:

"(iv) requires disclosure of data, records, or information, including actual research documents, collected or produced in the conduct of or as a result of study or research on academic, commercial, scientific, or technical issues, including—

"(I) unpublished lecture notes, unpublished research notes, data, processes, results or other confidential information from research which is in any progress, unpublished or not yet verified, or

"(II) any other information related to research, the disclosure of which could affect the conduct or outcome of the research, the likelihood of similar research in the future, the ability to obtain patents or copyrights from the research, or any other proprietary rights any entity may have in the research or the results of the research;"

SEC. 4. FEDERAL RULES OF EVIDENCE.

Article V of the Federal Rules of Evidence is amended by adding after rule 501 the following:

"Rule 502. Privilege for research information"

"A person engaged in the study or research of academic, commercial, scientific, or technical issues may claim the privilege to refuse to disclose data, records, or information, including actual research documents, concerning that study or research. Such person may refuse to disclose unpublished lecture notes, unpublished research notes, data, processes, results, or other confidential information from research which is in any progress, unpublished or not yet verified, and any other information related to research, the disclosure of which could affect the conduct or outcome of the research, the likelihood of similar research in the future, the ability to obtain patents or copyrights from the research, or any other proprietary rights any entity may have in the research or the results of the research."

SEC. 5. REPEAL OF REQUIREMENT REGARDING DATA PRODUCED UNDER FEDERAL GRANTS AND AGREEMENTS AWARDED TO INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS.

The fifth and sixth provisos under the subheading "SALARIES AND EXPENSES" under the heading "OFFICE OF MANAGEMENT AND BUDGET" under title III of the Treasury and General Government Appropriations Act, 1999 (Public Law 105-277; 112 Stat. 2681-495) are repealed.

ADDITIONAL COSPONSORS

S. 9

At the request of Mr. DASCHLE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 9, a bill to combat violent and gang-related crime in schools and on the streets, to reform the juvenile justice system, target international crime, promote effective drug and other crime prevention programs, assist crime victims, and for other purposes.

S. 10

At the request of Mr. DASCHLE, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 10, a bill to provide health protection and needed assistance for older Americans, including access to health insurance for 55 to 65 year olds, assistance for individuals with long-term care needs, and social services for older Americans.

S. 17

At the request of Mr. DODD, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 17, a bill to increase the availability, affordability, and quality of child care.

S. 71

At the request of Ms. SNOWE, the names of the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 71, a bill to amend title 38, United States Code, to establish a presumption of service-connection for certain veterans with Hepatitis C, and for other purposes.

S. 307

At the request of Mr. WYDEN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 307, a bill to amend title XVIII of the

Social Security Act to eliminate the budget neutrality adjustment factor used in calculating the blended capitation rate for Medicare + Choice organizations.

S. 457

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 457, a bill to amend section 922(t) of title 18, United States Code, to require the reporting of information to the chief law enforcement officer of the buyer's residence and to require a minimum 72-hour waiting period before the purchase of a handgun, and for other purposes.

S. 632

At the request of Mr. DEWINE, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 632, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 662

At the request of Mr. CHAFEE, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 664

At the request of Mr. CHAFEE, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 666

At the request of Mr. LUGAR, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 666, a bill to authorize a new trade and investment policy for sub-Saharan Africa.

S. 765

At the request of Ms. COLLINS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 765, a bill to ensure the efficient allocation of telephone numbers.

S. 777

At the request of Mr. FITZGERALD, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Wisconsin (Mr. FEINGOLD), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 777, a bill to require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information.

S. 789

At the request of Mr. MCCAIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 789, a bill to amend title 10, United States Code, to authorize payment of special compensation to certain severely disabled uniformed services retirees.

S. 817

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 817, a bill to improve academic and social outcomes for students and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities during after school hours.

S. 820

At the request of Mr. CHAFEE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 821

At the request of Mr. LAUTENBERG, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 821, a bill to provide for the collection of data on traffic stops.

S. 890

At the request of Mr. WELLSTONE, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 890, a bill to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

S. 959

At the request of Mr. HOLLINGS, the names of the Senator from Maine (Ms. SNOWE), the Senator from New York (Mr. SCHUMER), the Senator from Rhode Island (Mr. REED), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 959, a bill to establish a National Ocean Council, a Commission on Ocean Policy, and for other purposes.

S. 984

At the request of Ms. COLLINS, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 984, a bill to amend the Internal Revenue Code of 1986 to modify the tax credit for electricity produced from certain renewable resources.

S. 1016

At the request of Mr. DEWINE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1016, a bill to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1020, a bill to amend chap-

ter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1131

At the request of Mr. EDWARDS, the names of the Senator from California (Mrs. BOXER), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Louisiana (Mr. BREAUX), the Senator from Nebraska (Mr. KERREY), the Senator from Alabama (Mr. SHELBY), and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 1131, a bill to promote research into, and the development of an ultimate cure for, the disease known as Fragile X.

S. 1133

At the request of Mr. GRAMS, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. 1133, a bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food.

S. 1155

At the request of Mr. ROBERTS, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1172

At the request of Mr. TORRICELLI, the names of the Senator from Montana (Mr. BURNS) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 1172, a bill to provide a patent term restoration review procedure for certain drug products.

S. 1239

At the request of Mr. GRAHAM, the names of the Senator from Virginia (Mr. ROBB) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 1239, a bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules.

S. 1266

At the request of Mr. GORTON, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1266, a bill to allow a State to combine certain funds to improve the academic achievement of all its students.

S. 1268

At the request of Mr. HARKIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1268, a bill to amend the Public Health Service Act to provide support for the modernization and construction of biomedical and behavioral research facilities and laboratory instrumentation.

S. 1277

At the request of Mr. GRASSLEY, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to establish a

new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1321

At the request of Mr. WELLSTONE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1321, a bill to amend title III of the Family Violence Prevention and Services Act and title IV of the Elementary and Secondary Education Act of 1965 to limit the effects of domestic violence on the lives of children, and for other purposes.

S. 1327

At the request of Mr. CHAFEE, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1327, a bill to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes.

S. 1372

At the request of Mr. SPECTER, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1372, a bill to require the filing of Shippers' Export Declarations through the Automated Export System of the Department of the Treasury with respect to certain transactions of proliferation concern, and for other purposes.

S. 1400

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1400, a bill to protect women's reproductive health and constitutional right to choice, and for other purposes.

SENATE JOINT RESOLUTION 26

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of Senate Joint Resolution 26, a joint resolution expressing the sense of Congress with respect to the court martial conviction of the late Rear Admiral Charles Butler McVay III, and calling upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. *Indianapolis*.

SENATE CONCURRENT RESOLUTION 34

At the request of Mr. SPECTER, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Ms. COLLINS), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of Senate Concurrent Resolution 34, a concurrent resolution relating to the observance of "In Memory" Day.

SENATE RESOLUTION 92

At the request of Mrs. BOXER, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of Senate Resolution 92, a resolution expressing the sense of the Senate that funding for prostate cancer research should be increased substantially.

SENATE RESOLUTION 95

At the request of Mr. THURMOND, the names of the Senator from Georgia

(Mr. CLELAND), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. TORRICELLI), the Senator from New York (Mr. SCHUMER), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Missouri (Mr. BOND), and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of Senate Resolution 95, A resolution designating August 16, 1999, as "National Airborne Day."

SENATE CONCURRENT RESOLUTION 48—RELATING TO THE ASIA-PACIFIC ECONOMIC COOPERATION FORUM

Mr. THOMAS (for himself, Mr. ROBB, Mr. ROTH, and Mr. SMITH of Oregon) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 48

Whereas the Asia-Pacific Economic Cooperation (APEC) Forum was created ten years ago to promote free and open trade and closer economic cooperation among its member countries, as well as to sustain economic growth and equitable development in the region for the common good of its people;

Whereas the twenty-one member countries of APEC account for 55 percent of total world income and 46 percent of global trade;

Whereas APEC Leaders are committed to intensifying regional economic interdependence by going forward with measures to expand trade and investment liberalization, pursuing sectoral cooperation and development initiatives, and increasing business facilitation and economic and technical cooperation projects;

Whereas a strong international financial system underpins the economic success of the region;

Whereas given the challenges presented by the financial crisis, APEC Leaders last year pledged to work together in improving and strengthening social safety nets, financial systems and capital markets, trade and investment flows, corporate sector restructuring, the regional scientific and technological base, human resources development, economic infrastructure, and existing business and commercial links for the purpose of supporting sustained growth into the 21st century;

Whereas the outstanding leadership of New Zealand during its year in the APEC Chair has produced a series of important themes for the annual APEC Leaders meeting in Auckland, New Zealand on September 12-14, 1999, including:

(1) expanding opportunities for private sector businesses through the reduction of tariff and non-tariff barriers;

(2) strengthening the functioning of regional markets, with a particular focus on building institutional capacity, making public and corporate economic governance arrangements more transparent, and guiding regulatory reform so that benefits of trade liberalization are maximized; and

(3) broadening support for and understanding of APEC goals to demonstrate the positive benefits of the organization's work for the entire Asia-Pacific community;

Whereas the unique and close partnership between the public and private sectors exhibited through the APEC Forum has contributed to the successful conclusion of the GATT Uruguay Round and agreement over other multilateral trade pacts involving in-

formation technology, telecommunications and financial services;

Whereas APEC member countries have provided helpful momentum, through active consideration of the Early Voluntary Sectoral Liberalization plan, to the next round of multilateral trade negotiations scheduled to begin this year at the Third WTO Ministerial Meeting in Seattle, Washington;

Whereas the APEC Leaders have resolved to achieve the ambitious goal of free and open trade and investment in the region no later than 2010 for the industrialized economies and 2020 for developing economies: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS.

It is the sense of Congress that Congress—
(1) acknowledges the importance of greater economic cooperation in the Asia-Pacific region and the key role played by the Asia-Pacific Economic Cooperation (APEC) Forum;

(2) urges the Administration fully to support the APEC Forum and work to achieve its goals of greater economic growth and stability;

(3) calls upon the Administration to continue its close cooperation with the private sector in advancing APEC goals; and

(4) expresses appreciation to the Government and people of New Zealand for their exceptional efforts in chairing the APEC Forum this year.

SECTION 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to the President and the Secretary of State.

SENATE RESOLUTION 162—TO AUTHORIZE TESTIMONY OF EMPLOYEE OF THE SENATE IN STATE OF NEW MEXICO V. FELIX LUCERO CHAVEZ

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 162

Whereas, in the case of *State of New Mexico v. Felix Lucero Chavez*, No CR 4646-99, pending in the Metropolitan Court for Bernalillo County, New Mexico, a subpoena has been served on Kristen Ludecke, an employee of the Senate;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Kristen Ludecke is authorized to testify in the case of *State of New Mexico v. Felix Lucero Chavez*, except concerning matters for which a privilege should be asserted.

SENATE RESOLUTION 163—TO ESTABLISH A SPECIAL COMMITTEE OF THE SENATE TO STUDY THE CAUSES OF FIREARMS VIOLENCE IN AMERICA

Mrs. BOXER submitted the following resolution; which was referred to the

Committee on Rules and Administration:

S. RES. 163

Resolved,

SECTION 1. FINDINGS.

Congress finds that—

(1) In the past eleven years, nearly 400,000 Americans have died from gunshots, and about 35,000 Americans will die in 1999 because of gun violence;

(2) Death by gunshots is the second leading cause of accidental death in the United States and is expected to become the number one cause within the next four years;

(3) Treating gunshot injuries costs the American health care system approximately \$4.5 billion annually, with 80 percent of the costs paid for by the public in tax dollars or cost-shifting.

SEC. 2. ESTABLISHMENT OF SPECIAL COMMITTEE.

(a) ESTABLISHMENT.—There is established a special committee of the Senate to be known as the Special Committee on Firearms Violence (hereafter in this resolution referred to as the "special committee").

(b) PURPOSE.—The purpose of the special committee is—

(1) to study the causes of firearms violence in America;

(2) to make such findings of fact as are warranted and appropriate, including the impact of firearms violence on the well-being of American children; and

(3) to explore ways to reduce firearms violence in America, including increasing controls on the sale and distribution of firearms, and to make recommendations for such legislation and administrative actions as the special committee determines to be necessary and appropriate.

No proposed legislation shall be referred to the special committee, nor shall the special committee have power to report by bill or otherwise have legislative jurisdiction.

(c) TREATMENT AS STANDING COMMITTEE.—For purposes of paragraphs 1, 2, 7(a)(1) and (2), and 10(a) of rule XXVI and rule XXVII of the Standing Rules of the Senate, and section 202(i) and (j) of the Legislative Reorganization Act of 1946, the special committee shall be treated as a standing committee of the Senate.

SEC. 3. MEMBERSHIP AND ORGANIZATION.

(a) MEMBERSHIP.—

(1) IN GENERAL.—the special committee shall consist of 7 members of the Senate—

(A) 4 of whom shall be appointed by the President pro tempore of the Senate from the majority party of the Senate upon the recommendation of the Majority Leader of the Senate; and

(B) 3 of whom shall be appointed by the President pro tempore of the Senate from the minority party of the Senate upon the recommendation of the Minority Leader of the Senate.

(2) VACANCIES.—Vacancies in the membership of the special committee shall not affect the authority of the remaining members to execute the functions of the special committee and shall be filled in the same manner as original appointments are made.

(3) SERVICE.—For the purpose of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chairman, or vice chairman of the special committee shall not be taken into account.

(b) CHAIRMAN.—The chairman of the special committee shall be selected by the Majority Leader of the Senate and the vice chairman of the special committee shall be selected by the Minority Leader of the Senate. The vice chairman shall discharge such responsibilities as the special committee or the chairman may assign.