to the owner or operator that retires or replaces the generating unit, in any climate change implementation program enacted by Congress; 
(2) the base year for calculating reductions under a program described in paragraph (1) should be the year preceding the calendar year in which this Act is enacted; and
(3) a reasonable portion of any monetary value that may accrue from the credits described in paragraph (1) should be passed on to utility customers.

SEC. 12. RENEWABLE AND CLEAN POWER GENERATION TECHNOLOGIES.

(a) In general.—Under the Renewable Energy and Efficiency Technology Act of 1989 (42 U.S.C. 12001 et seq.), the Secretary of Energy shall fund research and development projects and commercial demonstration projects and partnerships to demonstrate the commercial viability and environmental benefits of electric power generation from—
(1) biomass (excluding unseparated municipal solid waste), geothermal, solar, and wind technologies; and
(2) fuel cells.

(b) Types of projects.—Demonstration projects may include solar power plants, solar dish steam engines, co-firing of biomass with coal, biomass modular systems, next-generation wind turbines and wind turbine verification projects, geothermal energy conversion, and fuel cells.

(c) Authorization of Appropriations.—In addition to amounts made available under any other law, there is authorized to be appropriated to carry out this section $75,000,000 for each of fiscal years 2001 through 2010.

SEC. 13. CLEAN COAL, ADVANCED GAS TURBINE, AND COMBINED HEAT AND POWER DEMONSTRATION PROGRAM.

(a) In general.—Under subtitle B of title XXI of the Energy Policy Act of 1992 (42 U.S.C. 13471 et seq.), the Secretary of Energy shall establish a program to fund projects and partnerships designed to demonstrate the efficiency and environmental benefits of electric power generation from—
(1) clean coal technologies, such as pressurized fluidized bed combustion and an integrated coal gasification combined cycle system; 
(2) advanced gas turbine technologies, such as flexible fired gas turbines and base load utility scale applications; and
(3) combined heat and power technologies.

(b) Selection Criteria.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall promulgate criteria and procedures for selection of demonstration projects and partnerships to be funded under this section.

(2) Required Criteria.—At a minimum, the selection criteria shall include—
(A) the potential of a proposed demonstration project or partnership to reduce or avoid emission of any air pollutant covered by section 5 and air pollutants covered by section 111 of the Clean Air Act (42 U.S.C. 7411); and
(B) the potential commercial viability of the proposed demonstration project or partnership.

(c) Authorization of Appropriations.—

(1) In general.—In addition to amounts made available under any other law, there is authorized to be appropriated to carry out this section $75,000,000 for each of fiscal years 2001 through 2010.

(2) Authorization.—The Secretary shall make reasonable efforts to ensure that, under the program established under this section, the same amount of funding is provided for demonstration projects and partnerships under each of paragraphs (1), (2), and (3) of subsection (a).

SEC. 14. EVALUATION OF IMPLEMENTATION OF FUNDING STATUTES.

(a) In general.—Not later than 2 years after the date of enactment of this Act, the Secretary of Energy in consultation with the Chairman of the Federal Energy Regulatory Commission and the Administrator shall submit to Congress a report on the implementation of this Act.


(c) Recommendations.—The report shall include recommendations from the Secretary of Energy, the Chairman of the Federal Energy Regulatory Commission, and the Administrator of the Environmental Protection Agency for legislative or administrative measures to harmonize and streamline the statutes specified in subsection (b) and the regulations implementing those statutes.

SEC. 15. ASSISTANCE FOR WORKERS ADVERSELY AFFECTED BY REDUCED CONSUMPTION OF COAL.

In addition to amounts made available under any other law, there is authorized to be appropriated $75,000,000 for each of fiscal years 2001 through 2015 to provide assistance, under the economic adjustment program of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 6301 et seq.), or the Department of Labor authorized by title III of the Job Training Partnership Act (29 U.S.C. 1651 et seq.), to coal industry workers who are terminated from employment as a result of reduced consumption of coal by the electric power generation industry.

SEC. 16. COMMUNITY ECONOMIC DEVELOPMENT INCENTIVES FOR COMMUNITIES ADVERSELY AFFECTED BY REDUCED CONSUMPTION OF COAL.

In addition to amounts made available under any other law, there is authorized to be appropriated $75,000,000 for each of fiscal years 2001 through 2015 to provide assistance, under the economic adjustment program of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 6301 et seq.), or the Department of Labor authorized by title III of the Job Training Partnership Act (29 U.S.C. 1651 et seq.), to assist communities adversely affected by reduced consumption of coal by the electric power generation industry.

SEC. 17. CARBON SEQUESTRATION.

(a) Carbon sequestration strategy.—In addition to amounts made available under any other law, there is authorized to be appropriated to the Environmental Protection Agency for the Department of the Treasury for the Department of Agriculture for each of fiscal years 2001 through 2010 a total of $30,000,000 to carry out soil restoration, tree planting, wetland protection, and other methods of biologically sequestering carbon dioxide.

(b) Limitation.—A project carried out under this section shall not be used to reduce any other provision of this Act.

THE RUSSIAN LEADERSHIP PROGRAM

Mr. STEVENS. Mr. President, I am pleased to announce that Congress included $1 billion in the Foreign Operations Appropriations bill to continue the Russian Leadership Program in Fiscal Year 2000.

The Russian Leadership Program was created earlier this year in the FY 1999 supplemental appropriations bill in order to bring emerging Russian leaders to the United States to see first hand how democracy and the American free market economic system function. The program was successful in bringing over 2,100 emerging leaders from 83 of the Russian oblasts and republics to the Russian Federation during July, August, and September of this year. Dr. Billington, the Librarian of Congress, and one of the world’s leading historians of Russian culture was asked to administer this program. Our thanks go to Dr. Billington for doing an excellent job implementing this program in a short period of time.

The program was modeled after the Marshall Plan which was implemented after World War II. Between 1946-1956, the U.S. Government brought over 10,000 Germans citizens to the United States to learn ways to rebuild their economy through technical assistance as well as cultural and political contacts. The Marshall Plan was one of the most successful foreign aid programs of the last century.

Similar to the Marshall Plan, participants in the Russian Leadership Program visited more than 400 communities in 46 states and the District of Columbia observing democracy in action at all levels of government. They met and discussed the American system of government with current and former U.S. Presidents, Members of the U.S. Senate and U.S. House, Governors, state legislators, state supreme court justices, mayors, and members of city and town councils.

Some of the participants also campaigned door-to-door with political candidates, visited police and fire stations, met with students in schools, visited hospitals, research facilities, businesses, soup kitchens, shelters and experienced firsthand the partnership among government, and the private sector.

This program was unique because more than 800 American families hosted our Russian visitors, welcoming them into their homes and communities, and spending the time to answer questions, engage in conversations, and helping us learn about the new Russia.
questions about and show our guests the American way of life. Vadim Baikov, one of the six Russians who visited Alaska as part of the State I represented, wrote after the program that, “In my opinion, the best cultural aspect is that we stayed with the families, because in this way one can actually gain insight of the genuine American lifestyle. I think that is what counts the most.”

Organizations such as Rotary International, the United Methodist Church, Freedom Force, and the Church of Jesus Christ of Latter-day Saints played a key role in organizing the participants in the program both in Russia and the United States. In addition to volunteering their time, these families and hosting communities generously supplemented the government’s $10 million grant, jointly providing approximately $1.5 million worth of meals, cultural activities, additional transportation and medical care.

Beyond the strong ties of friendship that developed between guests and hosts, it is clear that the Russian Leadership Program fundamentally changed how these Russian guests see America. They constitute the largest single group ever to travel from Russia to the U.S. They return to Russia with clear ideas and strong commitment to positive change. A mayor from Tomsk spend time with the mayor of Cleveland and said: “If we were to meet more often, there would be more peaceful relations.”

The Russian Leadership Program has had a tremendous impact in one year. It is a good program and I am pleased that we were able to provide the necessary funding to continue this program into the new millennium.

INTELLECTUAL PROPERTY AND COMMUNICATIONS OMNIBUS REFORM ACT OF 1999

Mr. SCHUMER. Mr. President, I rise today in support of the revised “Intellectual Property and Communications Omnibus Reform Act of 1999” (H.R. 1554). As a Member of the Judiciary Committee, I am particularly pleased that this legislation includes as Title IV, the “American Inventors Protection Act of 1999.” This provision includes a number of initiatives intended to protect the rights of inventors, enhance patent protections and reduce patent litigation.

Perhaps most importantly, subtitle C of title IV contains the so-called “First Inventor Defense.” This defense provides a first inventor (or “prior user”) with a defense in patent infringement lawsuits, whenever an inventor of a business method (i.e., a practice process or system) uses the invention but does not patent it. Currently, patent law does not provide original inventors with any protections when a subsequent user, who patents the method at a later date, files a lawsuit for infringement against the real creator of the invention.

The first inventor defense will provide the financial services industry with important, needed protections in the face of the uncertainty presented by the Federal Circuit’s decision in the State Street case. State Street Bank and Trust Company v. Signature Financial Group, Inc. 149 F.3d 1368 (Fed. Cir., 1998). In State Street, the Court did away with the so-called “business methods” exception to statutory patentable subject matter. Consequently, this decision has raised questions about what types of business methods may now be eligible for patent protection. In the financial services sector, this has prompted serious legal and practical questions and concerns about whether or not particular business methods used by the industry—including processes, practices, and systems—might now suddenly become subject to new claims in the form of new methods. The new form of every day business practice, these types of activities were considered to be protected as trade secrets and were not viewed as patentable material.

The first inventor defense strikes a fair balance between patent and trade secret law. Specifically, this provision creates a defense for inventors who (1) acting in good faith have reduced the subject matter to practice in the United States at least one year prior to the patent filing date ("effective filing date") of another (typically later) inventor; and (2) commercially used the subject matter in the United States before the filing date of the patent. Commercial use does not require that the particular business method be made known to the public or be used in the public marketplace—it includes wholly internal commercial uses as well.

As used in this legislation, the term “method” is intended to be construed as meaning “a method of doing or conducting business.” Thus, “method” includes any internal method of doing business, a method used in the course of doing or conducting business, or a method for conducting business in the public marketplace. It includes a practice, process, activity, or system that is used in the design, formulation, testing, or manufacture of any product or service. The defense will be applicable against method claims, as well as the claims involving machines or articles, the manufacturer used to practice such methods (i.e., apparatus claims). New technologies are being developed every day, which include technology that employs both methods of doing business and physical apparatus designed to carry out a method of doing business.

The first inventor defense is intended to protect both method claims and apparatus claims.

When viewed specifically from the standpoint of the financial services industry, the term “method” includes financial instruments, financial products, financial transactions, the ordering of financial information, and any system or process that transmits or transforms information with respect to investments or other types of financial transactions. In this context, it is important to point out the beneficial effects that such methods have brought to our society. These include the encouragement of home ownership, the broadened availability of capital for small businesses, and the development of a variety of pension and investment opportunities for millions of Americans.

As the joint explanatory statement of the Conference Committee on H.R. 1554 notes, the provision “focuses on methods for doing business, including methods used in connection with internal commercial operations as well as those used in connection with the sale or transfer of useful end results—whether in the form of physical products, or in the form of services, or in the form of other useful results; for example, results produced to the manipulation of data or other imports to produce a useful result.” H. Rept. 106– , p. 31.

The language of the provision states that the defense is not available if the party has actually abandoned commercial use of the subject matter. As used in the legislation, abandonment refers to the cessation of use with no intent to resume. Intervals of non-use between such periodic or cyclical activities such as seasonable factors or intervals of non-use are not considered to be abandonment.

As noted earlier, in the wake of State Street, thousands of methods and processes that have been and are used in industry are now subject to the possibility of being claimed as patented inventions. Previously, the businesses that developed and used such methods and processes thought that secrecy was the only protection available. As the conference report on H.R. 1554 states: “Under established law, any of these inventions which have been in commercial use—public or secret—for more than one year cannot now be the subject of a valid U.S. patent.” H. Rept. 106– , p. 31.

Mr. President, patent law should encourage innovation, not create barriers to the development of innovative financial products, credit vehicles, and e-commerce generally. The patent law was never intended to prevent people from doing what they are already doing. I am very pleased that the first inventors defense is included in H.R. 1554, it should be viewed as just the first step in defining the appropriate limits and boundaries of the