

served by the millions in uniform and who put up trillions—trillions—of dollars to fight the cold war; by the citizens of NATO and other allied nations who made similar sacrifices of blood and treasure; by many of their fellow countrymen who over many years kept small fires of freedom burning in their hearts for the day when the wall would come down; and, at critical moments, by great leaders.

Joseph Shattan, a former White House speech writer and, now, a Bradley Fellow at the Heritage Foundation, has chronicled this leadership in his book "Architects of Victory: Six Heroes of Cold War," published by Heritage, and excerpted recently in essay form in the Washington Times. He describes how six remarkable individuals—Winston Churchill, Harry Truman, Knorad Adenauer, Alexander Solzhenitsyn, Pope John Paul II, and Ronald Reagan—seized their own moment in the cause of freedom.

Mr. President, as Americans, we should on this day take special note of the two American Presidents—one Democrat, one Republican, who played such vital roles in bringing about the fall of the Berlin Wall ten years ago. Here is Shattan on Harry Truman:

Underlying Truman's policies was the conviction that Soviet totalitarianism was no different than Nazi totalitarianism. In his view, both the Nazis and the communists violated human rights at home and sought to expand their empires abroad. To secure a world where democratic values might flourish, Truman believed the United States had to contain Soviet expansionism—through economic and military aid if possible, through force of arms if necessary. Over the long run, a successful policy of containment would cause Soviet leaders to lose their faith in the inevitability of a global communist triumph. Only then could negotiations with Moscow contribute to a safer, more peaceful world.

Because the Truman administration's policy of containment set the course for U.S. foreign policy over the next 35 years, it seems in retrospect to have been a natural, even inevitable, response to Soviet aggressiveness. But it was nothing of the sort. Truman's predecessor, Franklin Roosevelt, had taken a markedly different approach toward Moscow—one aimed at cementing an enduring U.S.-Soviet friendship—and when Truman became president, he was determined to follow in FDR's footsteps, even if it meant ignoring his own instincts. But Truman gradually worked his way out from under FDR's long shadow and placed his own indelible stamp on U.S. foreign policy.

Truman's decisive break with FDR's foreign policy came in a historic speech delivered before a joint session of Congress on March 12, 1947. "I believe it must be the policy of the United States," he declared, "to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures." Alonzo Hamby, one of Truman's biographers, rightly called this speech "the decisive step in what would soon be called the Cold War."

Harry Truman's steadfast commitment to "free peoples" assured that the Iron Curtain would encroach no further on freedom. But it took another President to push the Wall over. Here again is Shattan on Ronald Reagan:

But while liberals frequently disparaged Mr. Reagan's intellect, the fact was that he

subscribed wholeheartedly to one major truth that many of his intellectually sophisticated critics either never knew or had forgotten: Societies that encourage freedom and creativity tend to flourish, while societies that suppress liberty tend to stagnate. This was the central truth around which Ronald Reagan fashioned his political career. This was the crucial insight that he articulated with passion and eloquence and pursued with iron resolve. And this was the basis of his Soviet strategy.

Underlying Mr. Reagan's approach to the Soviet Union was his profound (his critics would say "childlike" or "simplistic") faith in freedom. Mr. Reagan simply knew that there was no way a closed society like the Soviet Union could prevail against an open society like the United States once the open society made up its mind to win. And Mr. Reagan, years before he became president, decided that the United States would win the Cold War . . . The military buildup, the support of anti-communist movements worldwide (better known as the "Reagan Doctrine"), the Strategic Defense Initiative, the covert assistance to the Polish trade union Solidarity, the economic sanctions against Moscow—all were meant to force an already shaky Soviet system to embark on a course of radical reform. These reforms (perestroika, glasnost) soon acquired a momentum of their own, and eventually brought down the Soviet Union.

Mr. Reagan's approach to foreign policy was unprecedented. The traditional U.S. strategy was to seek to contain Soviet power and hope that, at some unspecified point in the future, containment would convince the communist ruling class to abandon its expansionist course. By contrast, Mr. Reagan sought not merely to contain the Soviets but to overwhelm them with demonstrations of U.S. power and resolve that left them with no alternative but to accept the choice he offered them: Change or face defeat.

His success proved that great leadership does not depend on intellectual or historical sophistication. What is needed, above all, is the right set of convictions and the courage to stand by them. Mr. Reagan's beliefs about freedom and tyranny were uniquely rooted in the American experience, and his courage reflected the quiet self-confidence of the American heartland. His was truly a U.S. presidency that changed the world.

Much has changed in 10 years. Yes, we still have walls to tear down—on the Demilitarized Zone in Korea, around the island of Cuba, and everywhere that people around the globe still struggle for peace and freedom. But the Cold War is over. Freedom won. As we watch the many celebrations underway today—in Berlin, all over Europe, and elsewhere in the world—let us honor Cold War heroes, and rededicate ourselves to the cause of freedom they championed. And, my colleagues, as we conduct the people's business, let us seek to renew an abiding reverence for the freedom that brings us here.

#### THE INTERSTATE TRANSPORTATION OF DANGEROUS CRIMINALS ACT

Mr. LEAHY. Mr. President, the recent escape of convicted child murderer Kyle Bell from a private prison transport bus should serve as a wake-up call, to the Congress and to the country. Kyle Bell slipped off a TransCorp America bus on October 13, while the bus was stopped in New Mex-

ico for gas. Apparently, he picked the locks on his handcuffs and leg irons, pushed his way out of a rooftop vent, hid out of sight of the guards who traveled with the bus, and then slipped to the ground as it pulled away. He was wearing his own street clothes and shoes. The TransCorp guards did not notice that Bell was missing until nine hours later, and then delayed in notifying New Mexico authorities. Bell is still at large.

Kyle Bell's escape is not an isolated case. In recent years, there have been several escapes by violent criminals when vans broke down or guards fell asleep on duty. There have also been an alarming number of traffic accidents in which prisoners were seriously injured or killed because drivers were tired, inattentive, or poorly trained.

Privatization of prisons and prisoner transportation services may be cost efficient, but public safety must come first. The Interstate Transportation of Dangerous Criminals Act requires the Attorney General to set minimum standards for private prison transport companies, including standards on employee training and restrictions on the number of hours that employees can be on duty during a given time period. A violation is punishable by a \$10,000 fine, plus restitution for the cost of recapturing any violent prisoner who escapes as the result of such violation. This should create a healthy incentive for companies to abide by the regulations and operate responsibly.

I commend Senator DORGAN for his leadership on this legislation and urge its speedy passage.

#### NATIONAL MISSILE DEFENSE REPORT

Mr. COCHRAN. Mr. President, a report on the National Missile Defense program has been completed and will be released shortly by a panel of experts which is chaired by retired Air Force General Larry Welch. The director of the Defense Department's Ballistic Missile Defense Organization requested this report which examines the National Missile Defense program and makes several recommendations for improvement.

Many will remember that General Welch and his panel issued a previous report last year which examined aspects of both the National Missile Defense program and several Theater Missile Defense programs.

Generally speaking, the newest Welch Report is a helpful critique of the National Missile Defense Program. Given the importance of this program, additional knowledge of its inherent risks will help BMDO to structure and run the best program possible.

In particular, I support the report's emphasis on giving the BMDO program manager, as well as the Lead Systems Integrator, increased authority in running this program.

The report's emphasis on additional ground testing and purchasing additional hardware—such as a second launcher for the Kwajalein test site—makes good sense.

Any program subjected to scrutiny on the level of the Welch Panel's will face some criticism about particular aspects of how the program is being conducted. But one key phrase in the report is worth keeping in mind, and I quote: "Given the set of challenges and the phased decision process, the JPO [BMDO's NMD Joint Program Office] and LSI [Boeing, the Lead System Integrator] have formulated a sensible, phased, incremental approach to the development and deployment decision—while managing the risk."

Every DoD program has some degree of risk; the risk in each program, NMD included, can be mitigated by additional time and money. However, the NMD program is not being developed in a vacuum, a point clearly made by North Korea's flight test of the three-stage Taepo Dong I ICBM in August of 1998. We don't have the luxury of time. Because of the proliferation threat, our choice is simple: We can accept additional program risk, or we can leave the United States vulnerable to rogue threats of coercion by placing a premium on wringing risk from the NMD program.

The emphasis must be on protecting America and American interests. The continued vulnerability of the United States is unacceptable, which is why many of the Welch Report's recommendations should be implemented as quickly as possible.

Because of the threat we have no choice but to accept a high-risk program. We ought to accept as much risk as we can stand, because the consequences of not being prepared for the threat are so high. "High" risk is not synonymous with "failure," as demonstrated by the recent successful intercept conducted by this program. Decision points in the National Missile Defense program should not be adjusted because of a high level of risk in the program, but only if the level of risk becomes unacceptably high. To date no senior Defense Department official has told me that the level of risk in the NMD program is unacceptable.

Much of this report focuses on a lack of hardware to test and insufficient simulation facilities. That is the reason Congress added \$1 billion for missile defense last year.

The Welch Report also calls for flight tests against more varied targets. After the recent successful NMD flight test, there was an unfortunate rush to judgment by some who wanted to indict this program as a fraud for not attempting the most complex intercept test immediately. These critics were obviously unaware of the fact that it was the Welch Panel, during its investigation, which recommended to BMDO that the recent flight test be simplified. I support the Welch Report's suggestion for realistic testing, and

hope that everyone will keep in mind the importance of testing the basics first, and then proceeding to more complex tests.

There are, of course, some problems with testing against more realistic targets that have nothing at all to do with the NMD program. According to the Ballistic Missile Defense Organization, BMDO believes it is—and I quote from a note BMDO sent to my staff—"constrained by START treaty limitations"—from testing against more realistic targets.

This surely must be a misunderstanding within the Defense Department that will be resolved quickly.

I want to commend the members of the panel who produced the Welch Report. I hope that some of their concerns have been ameliorated by the recent NMD intercept, which occurred too late to be included in their report.

#### PATENT REFORM AND INVENTOR PROTECTION LEGISLATION

Mr. LIEBERMAN. Mr. President, I rise to express my support for S. 1798, the American Inventors Protection Act. Yesterday I became a co-sponsor of the patents reform legislation, which was recently reported out of the Senate Judiciary Committee. It is my understanding that the provisions contained in that legislation are being folded into a larger bill, which also addresses satellite television and other matters. Although I urge passage of this larger bill, in my comments today I will speak only to the provisions dealing with patent reform and inventor protection, provisions which I strongly believe will provide vital new protections both to businesses and to individual inventors. In particular, I am pleased to see an entire title dedicated to regulating invention promoters, many of whom are little more than con artists. In 1995 I introduced the "Inventor Protection Act" of 1995, which was the first bill to target the unscrupulous firms that take advantage of inventors' ideas and dreams. Several of my bill's provisions now appear in the House and Senate legislation, and I am glad to see that the work we did in the 104th Congress, combined with the efforts of others since, should finally result in the passage of long needed protections against invention promotion scams.

The American Inventors Protection Act is a well-rounded bill. It reduces patent fees and authorizes the Commissioner of the Patent and Trademark Office (PTO) to report to Congress on alternative fee structures. The goal here, as with other titles of the legislation, is to make our patent system as accessible as possible to all. Another reform would save money for parties to a patent dispute. It allows third parties the option of expanded inter partes reexamination procedures; these new procedures before the PTO will decrease the amount of litigation in federal district court.

The "First Inventor Defense" is a vital new provision for businesses and

other inventors caught unaware by recent court decisions allowing business methods to be patented. It is simply unfair that an innovator of a particular business method should suddenly have to pay royalties for its own invention, just because of an unforeseeable change in patent law. It is my understanding that any kind of method, regardless of its technological character, would be included within the scope of this definition, provided it is used in some manner by a company or other entity in the conduct of its business.

Two other provisions provide greater predictability and fairness for inventors. One title guarantees a minimum patent term of 17 years by extending patent term in cases of unusual delay. Another allows for domestic publication of patent applications subject to foreign publication. I support the changes made to this provision since the last Congress, changes which should satisfy the concerns of independent inventors that their ideas might be copied before their patents are granted.

Finally, I applaud the new regulations and remedies which will provide inventors with enhanced protections against invention promotion scams. Each year thousands of inventors lose tens of millions of dollars to deceptive invention marketing companies. In 1994, as then-Chairman of the Subcommittee on Regulation and Governmental Affairs, I held a hearing on the problems presented by the invention marketing industry. Witness after witness testified how dozens of companies, under broad claims of helping inventors, had actually set up schemes in which inventors spend thousands for services to market their invention—a service that companies regularly fail to provide.

The legislation I introduced in 1995 used a multi-faceted approach to separate the legitimate companies from the fraudulent and guarantee real protection for America's inventors. I am gratified that a number of the provisions from my bill have been used in a title of this year's patent reform legislation specially devoted to invention marketing companies. Both bills provide inventors with enhanced protections against invention promotion scams by creating a private right of action for inventors harmed by deceptive fraudulent practices, by requiring invention promoters to disclose certain information in writing prior to entering into a contract for invention promotion services, and by creating a publicly available log of complaints received by the PTO involving invention promoters.

The provisions contained in the American Inventors Protection Act represent our best hope for passage of meaningful patent reform. I urge my colleagues to support their passage to ensure that inventors as well as their ideas are adequately protected.