

and Trademark Office, the record shall be prima facie evidence of execution.

“(4) An assignment shall be void against any subsequent purchaser for valuable consideration without notice, unless the prescribed information reporting the assignment is recorded in the United States Patent and Trademark Office within 3 months after the date of the assignment or prior to the subsequent purchase.

“(5) The United States Patent and Trademark Office shall maintain a record of information on assignments, in such form as may be prescribed by the Commissioner.

“(b) An assignee not domiciled in the United States may designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, or if the assignee does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served upon the Commissioner.”;

(7) Section 23(c) (15 U.S.C. 1091(c)) is amended by striking the second comma after “numerical”.

(8) Section 33(b)(8) (15 U.S.C. 1115(b)(8)) is amended by aligning the text with paragraph (7).

(9) Section 34(d)(1)(A) (15 U.S.C. 1116(d)(1)(A)) is amended by striking “section 110” and all that follows through “(36 U.S.C. 380)” and inserting “section 220506 of title 36, United States Code.”.

(10) Section 34(d)(1)(B)(ii) (15 U.S.C. 1116(d)(1)(B)(ii)) is amended by striking “section 110” and all that follows through “(36 U.S.C. 380)” and inserting “section 220506 of title 36, United States Code.”.

(11) Section 34(d)(11) is amended by striking “6621 of the Internal Revenue Code of 1954” and inserting “6621(a)(2) of the Internal Revenue Code of 1986”.

(12) Section 35(b) (15 U.S.C. 1117(b)) is amended—

(A) by striking “section 110” and all that follows through “(36 U.S.C. 380)” and inserting “section 220506 of title 36, United States Code.”; and

(B) by striking “6621 of the Internal Revenue Code of 1954” and inserting “6621(a)(2) of the Internal Revenue Code of 1986”.

(13) Section 44(e) (15 U.S.C. 1126(e)) is amended by striking “a certification” and inserting “a true copy, a photocopy, a certification.”.

SEC. 9. PATENT AND TRADEMARK FEE CLERICAL AMENDMENT.

The Patent and Trademark Fee Fairness Act of 1999 (113 Stat. 1537-546 et seq.), as enacted by section 1000(a)(9) of Public Law 106-113, is amended in section 4203, by striking “111(a)” and inserting “1113(a)”.

SEC. 10. COPYRIGHT RELATED CORRECTIONS TO 1999 OMNIBUS REFORM ACT.

Title I of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106-113, is amended as follows:

(1) Section 1007 is amended—

(A) in paragraph (2), by striking “paragraph (2)” and inserting “paragraph (2)(A)”;

(B) in paragraph (3), by striking “1005(e)” and inserting “1005(d)”.

(2) Section 1006(b) is amended by striking “119(b)(1)(B)(iii)” and inserting “119(b)(1)(B)(ii)”.

(3)(A) Section 1006(a) is amended—

- (i) in paragraph (1), by adding “and” after the semicolon;
- (ii) by striking paragraph (2); and
- (iii) by redesignating paragraph (3) as paragraph (2).

(B) Section 1011(b)(2)(A) is amended to read as follows:

“(A) in paragraph (1), by striking ‘primary transmission made by a superstation and embodying a performance or display of a work’ and inserting ‘performance or display of a work embodied in a primary transmission made by a superstation or by the Public Broadcasting Service satellite feed’;.”

SEC. 11. AMENDMENTS TO TITLE 17, UNITED STATES CODE.

Title 17, United States Code, is amended as follows:

(1) Section 119(a)(6) is amended by striking “of performance” and inserting “of a performance”.

(2)(A) The section heading for section 122 is amended by striking “rights; secondary” and inserting “rights: Secondary”.

(B) The item relating to section 122 in the table of contents for chapter 1 is amended to read as follows:

“122. Limitations on exclusive rights: Secondary transmissions by satellite carriers within local markets.”.

(3)(A) The section heading for section 121 is amended by striking “reproduction” and inserting “Reproduction”.

(B) The item relating to section 121 in the table of contents for chapter 1 is amended by striking “reproduction” and inserting “Reproduction”.

(4)(A) Section 106 is amended by striking “107 through 121” and inserting “107 through 122”.

(B) Section 501(a) is amended by striking “106 through 121” and inserting “106 through 122”.

(C) Section 511(a) is amended by striking “106 through 121” and inserting “106 through 122”.

(5) Section 101 is amended—

(A) by moving the definition of “computer program” so that it appears after the definition of “compilation”; and

(B) by moving the definition of “registration” so that it appears after the definition of “publicly”.

(6) Section 110(4)(B) is amended in the matter preceding clause (i) by striking “conditions;” and inserting “conditions:”.

(7) Section 118(b)(1) is amended in the second sentence by striking “to it”.

(8) Section 119(b)(1)(A) is amended—

(A) by striking “transmitted” and inserting “retransmitted”; and

(B) by striking “transmissions” and inserting “retransmissions”.

(9) Section 203(a)(2) is amended—

(A) in subparagraph (A)—

(i) by striking “(A) the” and inserting “(A) The”; and

(ii) by striking the semicolon at the end and inserting a period;

(B) in subparagraph (B)—

(i) by striking “(B) the” and inserting “(B) The”; and

(ii) by striking the semicolon at the end and inserting a period;

(C) in subparagraph (C), by striking “(C) the” and inserting “(C) The”.

(10) Section 304(c)(2) is amended—

(A) in subparagraph (A)—

(i) by striking “(A) the” and inserting “(A) The”; and

(ii) by striking the semicolon at the end and inserting a period;

(B) in subparagraph (B)—

(i) by striking “(B) the” and inserting “(B) The”; and

(ii) by striking the semicolon at the end and inserting a period; and

(C) in subparagraph (C), by striking “(C) the” and inserting “(C) The”.

(11) The item relating to section 903 in the table of contents for chapter 9 is amended by striking “licensure” and inserting “licensing”.

SEC. 12. OTHER COPYRIGHT RELATED TECHNICAL AMENDMENTS.

(a) AMENDMENT TO TITLE 18.—Section 2319(e)(2) of title 18, United States Code, is amended by striking “107 through 120” and inserting “107 through 122”.

(b) STANDARD REFERENCE DATA.—(1) Section 105(f) of Public Law 94-553 is amended by striking “section 290(e) of title 15” and inserting “section 6 of the Standard Reference Data Act (15 U.S.C. 290e)”.

(2) Section 6(a) of the Standard Reference Data Act (15 U.S.C. 290e) is amended by striking “Notwithstanding” and all that follows through “United States Code,” and inserting “Notwithstanding the limitations under section 105 of title 17, United States Code.”.

The PRESIDING OFFICER. The Senator from Mississippi, MR. COCHRAN, is recognized.

MR. COCHRAN. Mr. President, I ask unanimous consent that I may proceed for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL MISSILE DEFENSE SYSTEM

MR. COCHRAN. Mr. President, I take this time to respond to those who are suggesting we put off, or even cancel, the deployment of a national missile defense system.

One reason the critics of the program are giving for delay is the alleged opposition of our allies, particularly those in Europe. Earlier this month at the Munich Conference on International Security, Secretary of Defense Donald Rumsfeld made a forceful case for deployment of a defense against strategic ballistic missiles. He explained the rationale for our missile defense program, and he also made it clear that this administration intends to deploy such a system as soon as possible.

He told those attending the conference that deploying a missile defense system was a moral issue because “no U.S. President can responsibly say his defense policy is calculated and designed to leave the American people undefended against threats that are known to exist.”

Former Secretary of State Kissinger, who negotiated the 1972 Anti-Ballistic Missile Treaty, also spoke at the conference. He said a U.S. President cannot allow a situation in which “extinction of civilized life is one’s only strategy.”

The response from our European allies was very encouraging. For months, critics have been saying that our allies firmly oppose our plans to deploy missile defenses and would never go along with them. But the Secretary General of NATO, George Robertson, said:

Now the Europeans have to accept that the Americans really intend to go ahead. . . . Now that the question of "whether" it's going to happen has been settled, I want an engagement inside NATO between the Americans and other allies about the "how" and the "when."

With respect to the threat, Secretary General Robertson said:

The interesting point is that there is now a recognition by leaders—American, European, and even Russian—that there is a new threat from the proliferation of ballistic missiles that has got to be dealt with. The Americans have said how they're going to deal with it. The Europeans are being offered a chance to share in that.

Robertson also added:

The concept of mutually assured destruction is obsolete. The old equation no longer works out: Russia and the United States in a balance of terror. Now there are groups and States acquiring missile technology and warheads with great facility. We are living in a dangerous new world.

Germany's views are also changing. Chancellor Gerhard Schroeder, addressing fellow Social Democratic Party members, said recently, "We should be under no illusions that that there will be no difference of opinion with the new American leadership under President George W. Bush. First and foremost, it won't be about the planned National Missile Defense program but about trade policy issues. Differences over NMD are not the decisive factor in the German-American relationship." German Foreign Minister Fischer said that NMD "above all is a national decision for the United States." In Moscow this week, he said, "in the end, the Russians are going to accept it somehow."

Here in Washington last week, Britain's Foreign Secretary said, "On the question of what happens if national missile defense proceeds; if it means the U.S., feels more secure and therefore feels more able to assert itself in international areas of concern to us, we would regard that as a net gain in security." And the Prime Minister of Canada, who just a few months ago had joined Russian President Putin in calling for preservation of the ABM Treaty, said last week after consulting with President Bush, "Perhaps we are in a different era."

The Australian Foreign Minister noted last week that until now,

A lot of the debate has been directed at the United States. I frankly think an awful lot of the debate should instead be directed not only toward those countries that have got or are developing these missile systems but the countries that have been transferring that missile technology to others. . . . If there were no missiles, there would be no need for a missile defense system.

Dr. Javier Solana of Spain, former Secretary-General of NATO and now the director of foreign policy for the European Union, said "The United States has the right to deploy" an NMD system. Of the ABM Treaty, the so-called "cornerstone of strategic stability," Dr. Solana said, "It is not the Bible."

The words we now hear from our European and other important allies are

signaling changed attitudes. I think they have been influenced by the Bush administration's willingness to confront the NMD issue squarely, to consult fully with our allies, and to make clear a determination to protect this nation and its allies from long-range ballistic missile attack. The best ally is a strong one, and the actions of the Bush administration are an overdue reassurance that the United States will indeed be a strong alliance partner.

Of course, not every nation welcomes our NMD plans. France still has not embraced the concept, and Russia and China continue their opposition. But this shouldn't change our plans to deploy missile defenses. Our action threatens no nation, although it will create an obstacle for those who would threaten the U.S. Those who mean us no harm have nothing to fear from this purely defensive system; those who do mean us harm will learn that the United States will no longer commit itself to continuing vulnerability.

Another reason for proceeding as soon as possible to deploy missile defenses to protect the United States was highlighted last week in testimony presented to the Senate by the Director of Central Intelligence, George Tenet.

He said, "we cannot underestimate the catalytic role that foreign assistance has played in advancing . . . missile and WMD programs, shortening the development times, and aiding production." He noted that it is increasingly difficult to predict those timelines, saying "The missile and WMD proliferation problem continues to change in ways that make it harder to monitor and control, increasing the risks of substantial surprise." Director Tenet went on to say, "It is that foreign assistance piece that you have to have that very precise intelligence to understand, and sometimes you get it and sometimes you don't." Because of the difficulty monitoring foreign assistance, Director Tenet added that "these time lines all become illusory."

He also noted that it is a mistake to think of nations who aspire to obtain missiles as technologically unsophisticated: "We are not talking about unsophisticated countries. When you talk about Iraq and Iran, people need to understand these are countries with sophisticated capabilities, sophisticated technology, digital communications."

And the danger does not stop when one of these nations acquires the technology that is now so freely available. Mr. Tenet warned about what he termed "secondary proliferation":

There is also great potential for secondary proliferation, for maturing state-sponsored programs such as those in Pakistan, Iran and India. Add to this group the private companies, scientists and engineers in Russia, China and India who may be increasing their involvement in these activities taking advantage of weak or unenforceable national export controls and the growing availability of technologies. These trends have continued, and in some cases have accelerated over the past year.

The Director of Central Intelligence added, "So you know, the kind of tech-

nology flows that we see from big states to smaller states and then the inclination of those people who do the secondary proliferation I think is what's most worrisome to me."

Some who oppose missile defense deployment point to diplomatic initiatives and political change as evidence that the threat is diminishing. For example, they point to recent efforts by North Korea's leader Kim Jong Il to present a more open face to the world. But according to the Director of Central Intelligence, little has actually changed with respect to North Korea's proliferation activities. For example, he testified,

Pyongyang's bold diplomatic outreach to the international community and engagement with South Korea reflect a significant change in strategy. The strategy is designed to assure the continued survival of Kim Jong Il by ending Pyongyang's political isolation and fixing the North's failing economy by attracting more aid. We do not know how far Kim will go in opening the North, but I can report to you that we have not yet seen a significant diminution of the threat from North to American and South Korean interests.

Pyongyang still believes that a strong military, capable of projecting power in the region, is an essential element of national power. Pyongyang's declared military-first policy requires massive investment in the armed forces, even at the expense of other national objectives . . . [T]he North Korean military appears, for now, to have halted its near decade-long slide in military capabilities. In addition to the North's longer-range missile threat to us, Pyongyang is also expanding its short- and medium-range missile inventory, putting our allies at risk.

Similar claims about diminishing threats have been made about Iran. A year ago, those who oppose missile defense were suggesting that because of the election of reform-minded leaders we need no longer worry about that country obtaining more capable missiles. Here is what the Director of Central Intelligence had to say about Iran in his testimony last week:

Iran has one of the largest and most capable ballistic missile programs in the Middle East. It's public statements suggest that it plans to develop longer-range rockets for use in a space-launch program. But Tehran could follow the North Korean pattern and test an ICBM capable of delivering a light payload to the United States in the next few years . . .

Events in the past year have been discouraging for positive change in Iran. . . . Prospects for near-term political reform in the near term are fading. Opponents of reform have not only muzzled the open press, they have also arrested prominent activists and blunted the legislature's powers. Over the summer, supreme leader Khamenei ordered the new legislature not to ease press restrictions, a key reformist pursuit, that signaled the narrow borders within which he would allow the legislature to operate.

I hope that reformers do make gains in Iran, although senior CIA officials have testified that Iranian "reformers"—such as President Khatami—are enthusiastic about acquiring ballistic missiles. I hope Iran will one day be a thriving democracy. But that day has not arrived, and our security policy cannot be based on hope.

We need missile defense not just because of the capabilities of particular countries, but because of the larger problem: The proliferation of missile technology has created a world in which we can no longer afford to leave ourselves vulnerable to an entire class of weapons. Remaining vulnerable only guarantees that some nation will seize upon this vulnerability and take the United States and our allies by surprise.

The Bush administration's resolve to deploy missile defenses is an essential first step in modernizing our national security assets. Because of the neglect our missile defense program has suffered over the last eight years, we now face a threat against which we will have no defense for several years. Because of decisions made by the previous administration, the only long-range missile defense we have in the near-term will be the ground-based system planned for initial deployment in Alaska. Additional resources must be provided so that other technologies and basing modes can be developed and tested. But now, we must move forward as fast as we can with the technology we have today. We must not prolong our vulnerability by waiting for newer and better technology. Therefore, it is important that the administration immediately begin construction of the NMD radar at Shemya, AK. Construction of the national missile defense radar at Shemya, AK, should begin immediately.

Construction of this radar was to have begun this May, but last September President Clinton postponed the decision to proceed, citing delays with other elements of the system and a lack of progress in convincing Russia to modernize the ABM Treaty to permit NMB deployment. However, construction of the Shemya radar is the so-called "long-lead" item in deployment of the NMD system; it is the step that takes the longest and must begin the soonest. Delaying construction of the NMD radar means delaying deployment of the entire system, and we cannot afford more unnecessary delays in this program.

There is still time to recover from the delays caused by President Clinton's postponement last fall. The radar design is complete, the funds have been appropriated, and any missile defense system we build will have to begin with an X-band radar at Shemya. So we should get on with it.

Beginning construction of the Shemya radar will be a demonstration of the determination of our government to fulfill its first constitutional duty, which is to provide for the security of our Nation. It will send an unmistakable signal to all—friend or potential foe—that the United States will not remain vulnerable any longer to those who threaten us with ballistic missiles.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, before I propound a unanimous consent request,

I want to make some brief comments on the bill that I expect to call up.

HONORING PAUL D. COVERDELL

Mr. LOTT. Mr. President, many of us in the Senate still greatly miss our distinguished and honorable colleague from Georgia, Paul Coverdell. There are not many days that go by that I do not think about him when I am working in this Chamber and in my office. We really have been grieving and thinking an awful lot about him over the months since his unfortunate early passing away as a result of his problems last year when he had a cerebral hemorrhage.

He was an extraordinary public servant. We all wanted to find a way to express our sorrow and to appropriately honor him. In that vein, I wanted to make sure we did not just have a rush to judgment of what we might try to do to honor him—doing it in several little ways but never an appropriate way.

After discussion on both sides of the aisle and getting approval of the Democratic leader, I asked four of our colleagues to serve as an informal task force to come up with an appropriate way to honor Senator Coverdell. These four Senators, two from each side of the aisle, were good friends and worked closely with Paul. They had a personal interest in it.

I thank Senator GRAMM of Texas, Senator DEWINE of Ohio, Senator HARRY REID of Nevada, and Senator ZELL MILLER of Georgia for taking the time to think about this, meeting together and coming up with ideas of how to appropriately honor Senator Coverdell.

That is how this bill came into being. A lot of ideas were considered. They were discussed with Senator Coverdell's former staff members, family, particularly his wife, and they came up with the suggestion that is included in this bill.

I thank Senator DASCHLE and Senator REID for being willing to be involved in this process. As a result of their efforts, we now have a bill.

UNANIMOUS CONSENT REQUEST—A BILL HONORING PAUL D. COVERDELL

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of a bill at the desk which honors Senator Paul D. Coverdell by naming the Peace Corps headquarters after our former colleague. I further ask unanimous consent that the bill be read the third time, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER (Mr. COCHRAN). Is there objection?

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator reserves the right to object.

Mr. REID. As the majority leader has indicated, a significant amount of time

has been spent on this matter. I remember as if it was yesterday Senator LOTT coming on the floor and making the announcement. It was a sad day in the history of this Senate, in the history of the State of Georgia, and certainly our country.

Those of us who knew Senator Coverdell know how closely he was associated with the majority leader and how he loved this institution. What the leader has said is very true. I worked with Senator MILLER, Senator GRAMM, and Senator DEWINE to come up with something that is appropriate. We think we have done that.

I do, though, have to object for one of the other Members of the Senate. It is something which is procedural in nature. I am confident we can work this out. I ask that the leader be understanding and that this matter be brought up after we get back from our next recess. I am confident in that period of time we will take care of the kinks. I would rather we do it that way than pass pieces of it.

I talked with Senator GRAMM and Senator MILLER, and we agreed to do it all at once rather than piecemeal.

The PRESIDING OFFICER. The Senator from Nevada objects.

Mr. LOTT. Mr. President, while I feel the objection is certainly unfortunate, I know that Senator REID wants to find a way to work through the problem that may exist. I will be glad to work with him and Senator MILLER.

Senator MILLER has been very generous with his time and very committed to this process. I talked with him a couple of times—just yesterday—to try to work through this. It is my expectation we will be able to clear this bill and take it up for consideration. It really is noncontroversial, and I believe it should be passed by unanimous consent.

I hope Members who do have a problem, or if there is a procedural problem, will find a way to work through it so we can honor this noble and respected Member. I invite Senator REID and any others to comment on the process, and if they have any remedy they can suggest, I am anxious to hear from them. I know effort is already underway to do that, and I know they will continue.

It will be my intent to file cloture on this matter if it is necessary prior to the recess of the Senate this week. I hope and expect we will not have to do that, but because of the requirements of S. Res. 8, if I have to file cloture, I will have to wait the requisite 12 hours now before filing the cloture on an amendable item, so I will have to begin the process.

Rather than leave it in that vein, I prefer we talk and we work this out and find a way to get it cleared and agreed to tomorrow before we leave for the Presidents Day recess.

Mr. REID. I appreciate the leader's comments. I would appreciate very much the leader not filing cloture. We do not need that or want that on this piece of legislation.