

should increase the use of the reexamine system and thus decrease the number of patent matters adjudicated in federal court.

I again want to express my appreciation to the co-sponsors of this bill, Senators HATCH, REID, and BENNETT and look forward to working with other Senators on these matters.

Mr. HATCH. Mr. President, I am pleased to join with Senators LEAHY, REID, and BENNETT in the introduction of the Patent and Trademark Office Authorization Act of 2002. As Senator LEAHY mentioned, he and I, as leaders of the Judiciary Committee, have enjoyed a productive relationship working together to protect America's innovators, and to strengthen our intellectual property laws as well as the agencies that administer and enforce them.

One of the issues we have long worked on is strengthening the ability of the United States Patent Office, "USPTO", to do its important work in reviewing and granting intellectual property rights to inventors seeking the patents that drive our high-tech economy or those businesses that seek to protect the trademarks that consumers rely on to find the goods and services they want. For those inventors and businesses to succeed in using those patent or trademark rights, the USPTO needs to do a quality and timely job in reviewing and granting those rights.

However, over the past few years, the USPTO has been under mounting pressure on three fronts, increased filings, increased complexity in the filings, and increased difficulty retaining valuable and experienced examiners in the face of more lucrative offers in the private sector. These pressures, if unaddressed, can lead to delays for applicants of months or years, or to reduced quality and reliability of the determinations that issue from the USPTO. Indeed, the USPTO estimates that the patent pendency period could rise to 38 months by 2006. I hate to think that innovative products could sit on the shelf for more than three years awaiting government review. This is especially troubling when we realize that in many high-tech sectors the shelf life of a product is often less than half that time. Such increased waiting periods and lower quality decision-making means slower innovation, less competitiveness, higher costs, and greater risk for those seeking patents or trademarks. And, consequently, the rest of us and our economy could see slower recovery and weaker growth. Addressing these challenges will require leadership, of course, which I believe can be provided by the President's nominee to head the USPTO, former Congressman Jim Rogan. But, to be realistic, we must admit that surely it will also require resources.

As many in this body know, the costs of running the USPTO are entirely paid

for by fees collected from applicants, individuals and companies that seek to benefit from patent and trademark protection. However, since 1992 Congress has diverted an amount estimated at over \$800 million from those fees for other government programs unrelated to the USPTO.

At a time when our economy needs support, it seems doubly wrong to levy what amounts to a tax on innovation, a tax imposed by taking a portion of the fees America's innovators and businesses pay to secure protection for their economy-generating products and services and spending it on unrelated government programs. I believe that fees paid to secure patent and trademark rights should be used to process those applications faster with better reliability precisely because getting the products of American ingenuity to market faster helps grow our economy faster.

That is why I am glad to join my colleagues in introducing this bill which takes the position that Congress should appropriate to the USPTO a funding level equal to the fees applicants pay. I agree with my colleagues that if fully implemented as intended, this bill can greatly assist the USPTO in issuing quality patents more quickly, which in turn can lead to more investment, job creation, and productivity for American businesses.

In addition to establishing the principle that user fees collected by the USPTO should be used to serve those who pay them, the bill makes additional improvements to the way the USPTO does business, further enhancing its ability to serve American companies and inventors. Among these improvements are the requirement that the USPTO develop a user-friendly electronic system for the filing and processing of all patent and trademark applications, and that the PTO to develop a strategic plan to enhance patent and trademark quality, reduce pendency, and otherwise improve their systems and services for the benefit of applicants, examiners, and the general public. The bill also contains two sections which will clarify two provisions of current law regarding reexamination of patents to provide greater guidance to the USPTO and its customers about the scope and availability of the reexamination process. Both of these changes should help streamline and reduce the costs of post-grant patent decisions.

I again want to express my appreciation to Senator LEAHY, the chairman of the Judiciary Committee, for this leadership, and to the other co-sponsors of this bill, Senators REID and BENNETT. I look forward to working with them and my other colleagues on this important legislation.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 185—RECOGNIZING THE HISTORICAL SIGNIFICANCE OF THE 100TH ANNIVERSARY OF KOREAN IMMIGRATION TO THE UNITED STATES

Mr. ALLEN (for himself, Mr. HELMS, Mr. CAMPBELL, Mr. WARNER, Mr. ALLARD, Mr. INOUE, Mrs. FEINSTEIN, Mr. BIDEN, Mr. SMITH of Oregon, Mr. GRASSLEY, Mr. SESSIONS, Mr. FITZGERALD, and Mr. GRAMM) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 185

Whereas missionaries from the United States played a central role in nurturing the political and religious evolution of modern Korea, and directly influenced the early Korean immigration to the United States;

Whereas in December 1902, 56 men, 21 women, and 25 children left Korea and traveled across the Pacific Ocean on the S.S. Gaelic and landed in Honolulu, Hawaii on January 13, 1903;

Whereas the early Korean-American community was united around the common goal of attaining freedom and independence for their colonized mother country;

Whereas members of the early Korean-American community served with distinction in the Armed Forces of the United States during World War I, World War II, and the Korean Conflict;

Whereas on June 25, 1950, Communist North Korea invaded South Korea with approximately 135,000 troops, thereby initiating the involvement of approximately 5,720,000 personnel of the United States Armed Forces who served during the Korean Conflict to defeat the spread of communism in Korea and throughout the world;

Whereas casualties in the United States Armed Forces during the Korean Conflict included 54,260 dead (of whom 33,665 were battle deaths), 92,134 wounded, and 8,176 listed as missing in action or prisoners of war;

Whereas in the early 1950s, thousands of Koreans, fleeing from war, poverty, and desolation, came to the United States seeking opportunities;

Whereas Korean-Americans, like waves of immigrants to the United States before them, have taken root and thrived in the United States through strong family ties, robust community support, and countless hours of hard work;

Whereas Korean immigration to the United States has invigorated business, church, and academic communities in the United States;

Whereas according to the 2000 United States Census, Korean-Americans own and operate 135,571 businesses across the United States that have gross sales and receipts of \$46,000,000,000 and employ 333,649 individuals with an annual payroll of \$5,800,000,000;

Whereas the contributions of Korean-Americans to the United States include, the invention of the first beating heart operation for coronary artery heart disease, the development of the nectarine, a 4-time Olympic gold medalist, and achievements in engineering, architecture, medicine, acting, singing, sculpture, and writing;

Whereas Korean-Americans play a crucial role in maintaining the strength and vitality of the United States-Korean partnership;

Whereas the United States-Korean partnership helps undergird peace and stability in the Asia-Pacific region and provides economic benefits to the people of the United States and Korea and to the rest of the world; and

Whereas beginning in 2003, more than 100 communities throughout the United States will celebrate the 100th anniversary of Korean immigration to the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the achievements and contributions of Korean-Americans to the United States over the past 100 years; and

(2) requests that the President issue a proclamation calling on the people of the United States and interested organizations to observe the anniversary with appropriate programs, ceremonies, and activities.

Mr. ALLEN. Mr. President, I am pleased to submit today, along with the Chairman of the Foreign Relations Committee, Senator BIDEN, the Vice Chairman of the Armed Services Committee, Mr. WARNER, and the Vice Chairman of the Indian Affairs Committee, Mr. CAMPBELL, and many of our colleagues, a Senate resolution recognizing the historical significance of the 100th anniversary of Korean-Americans' immigration to the United States in 2003.

In December of 1902, 56 men, 21 women and 25 children traveled from Korea across the Pacific Ocean on the *S.S. Gaelic* and landed in Honolulu, HI, on January 13, 1903, marking the first entry of Korean immigrants to the U.S. territories. The year 2003 will be the 100th Anniversary of that immigration. With that anniversary looming, interest in this historic centennial celebration is growing in Korean communities in the United States and worldwide, including events within the vibrant Korean-American communities in the Commonwealth of Virginia.

A century is more than a convenient marker for Korean-Americans: It celebrates Koreans' prominent place in the broad narrative of America. Judging by their achievements over these past 100 years, theirs is an American story that confirms the opportunity for individual initiative, creativity, hard work and success in these free United States.

Both individually and as a community, Korean-Americans have much to celebrate in 2003. In such diverse areas as commerce and finance, technology, medicine, education, and the arts, Korean-American contributions are being widely acknowledged and recognized. Even the Korean culture, uniquely shaped, inspired, and nurtured by life in America, is becoming part of the vernacular. From Hawaii to California to New York, and in Annandale in Fairfax County, VA, Korean-American communities are vibrant and vital leaders throughout the United States.

It is worth noting that apart from the many achievements by Korean-Americans, unique among all immigrant communities in the United States, the early Korean-American

community was united around the common goal of attaining freedom and independence for their colonized mother country. Like many immigrant groups, Korean-Americans embraced the basic principles of democracy in our Constitution. It is a goal that continues to this day, when one considers that one out of four Korean-Americans still has relatives and other loved ones trapped in North Korea.

Starting in the early 1950s, thousands of immigrants, fleeing from war, poverty and desolation came to the United States seeking opportunities. Without knowing the language and without great wealth, but with strong family ties, caring community support and many hours of hard work, Korean-Americans, like waves of immigrants before them, have taken root and thrived in our free American soil.

Crucial to Korean-Americans' success was their ability to organize themselves for mutual support and assistance through associations, churches and other organizations. This success has translated itself, according to the 2000 U.S. Census, into 135,571 businesses owned and operated by Korean-Americans across the country with gross sales and receipts of \$46 billion. These businesses employ 333,649 men and women with an annual payroll of \$5.8 billion.

The contributions to this country by early Korean-Americans include the invention of the first beating heart operation for coronary heart disease, the development of the nectarine and a four-time Olympic gold medallist. In the modern era, there have been notable achievements by engineers, architects, doctors, actors, singers, sculptors and novelists, among others. With more than 100 communities throughout the United States preparing to celebrate the 100th anniversary of Korean-American immigration to the United States, it is appropriate and deserving to recognize the historical significance of this milestone.

It is my hope that this resolution will encourage appreciation, pride, and self-awareness among Korean Americans, and I encourage schools, organizations, and Federal, State, and local governments to plan activities and programs together with the many Korean-American organizations that are currently preparing for this wonderful anniversary of the living American Dream.

I respectfully ask for the support of my colleagues on both sides of the aisle for this resolution, and urge the Senate to pass this historic resolution.

SENATE CONCURRENT RESOLUTION 87—EXPRESSING THE SENSE OF CONGRESS REGARDING THE CRASH OF AMERICAN AIRLINES FLIGHT 587

Mr. SCHUMER (for himself and Mrs. CLINTON) submitted the following con-

current resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 87

Whereas American Airlines Flight 587 en route from John F. Kennedy Airport in Queens County, New York to Santo Domingo, Dominican Republic crashed on the Rockaway Peninsula in Queens County, New York on November 12, 2001;

Whereas the crash resulted in the tragic loss of life by an estimated at 266 persons, including passengers, crew members, and people on the ground;

Whereas New York City has strong cultural, familial, and historic ties to the Dominican Republic;

Whereas many of the passengers were of Dominican origin residing in the Washington Heights community, a vibrant neighborhood that is an integral part of our national cultural mosaic;

Whereas the Rockaway community has already suffered greatly as a result of the terrorist attacks on the World Trade Center in New York City on September 11, 2001, as the Rockaway community has long been home to one of the highest concentrations of the firefighters of New York City, many of whom lost their lives responding to those attacks on the World Trade Center;

Whereas many Rockaway residents, ignoring the risks of being harmed by fire or other hazards at the site of the plane crash, rushed to the site in an effort to help;

Whereas the people of Rockaway have served as an inspiration through their resilience in the face of adversity and their faith in and practice of community; and

Whereas the professional emergency personnel of New York on the ground at the crash site performed emergency services valiantly, thereby limiting the devastation of this tragedy: Now, therefore, be it

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

SECTION 1. SENSE OF CONGRESS.

The Congress—

(1) sends its heartfelt condolences to the families, friends, and loved ones of the victims of the crash of American Airlines Flight 587 on November 12, 2001;

(2) sends its sympathies to the people of the Dominican Republic and to the Dominican community in the City of New York who have been so tragically affected by the loss of loved ones aboard that flight;

(3) sends its sympathies to the people of the Rockaway community who have suffered immense personal loss as a combined result of the crash on November 12, 2001, and the terrorist attacks on the World Trade Center on September 11, 2001; and

(4) commends the heroic actions of the rescue workers, volunteers, and State and local officials of New York who responded to these tragic events with courage, determination, and skill.

SEC. 2. TRANSMISSION OF THE ENROLLED RESOLUTION.

The Clerk of the Senate shall transmit an enrolled copy of this resolution to the President of the Dominican Republic and to the Mayor of New York City.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2175. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform,