WORLD INTELLECTUAL PROPERTY DAY

Mr. HATCH. Mr. President, it is with great pleasure that I rise today to pay tribute to the first celebration of ''World Intellectual Property Day.''

Last fall, the World Intellectual Property Organization dedicated April 26th as ''World Intellectual Property Day'' with the objective of highlighting the valuable contributions intellectual property makes to economic, cultural and social development and to raise public awareness of just what intellectual property is all about.

Intellectual property, which includes patents, trademarks and copyright protections, is hardly a household phrase, but its significance to all Americans should not be underestimated. Intellectual property is really about creativity and innovation; it is about ideas that start out as just a dream, but then go on to become the creations and products that enrich our daily lives and improve our standard of living.

Included among our Founding Fathers' many accomplishments were the express intellectual property protections of Article 1, Section 8 of our Constitution. This section is so seemingly simple, ''to promote the progress of science and the useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries'', but it has done more to shape our Nation's economic growth than almost any other provision in the Constitution.

Indeed, one of the most significant results of this constitutional provision was the creation of the U.S. patent system. Today, more than six million patents have been issued, for inventions ranging from Farnsworth's cathode ray tube to the airplane to life-saving pharmaceuticals. The value of our patent system was perhaps best summarized by President Abraham Lincoln, himself a patent holder, when he noted that it ''adds the fuel of interest to the spark of genius.''

We also are world leaders in copyrighted works. Books, movies, music, and other examples of American creativity entertain and enlighten the world, and make a generous contribution to our balance of trade.

Our country's technological prowess and our high standard of living stem from the creativity, determination, and entrepreneurial drive of our citizens and the protection we provide for their creations. So, today, as nations around the world mark ''World Intellectual Property Day,'' let us take pride in the fact that our intellectual property system is recognized as the most effective in the world. As we look to the future, let us also pledge ourselves to ensuring that the United States remains the world's pre-eminent provider and protector of intellectual property.

CHRONIC INFECTIOUS CHILDHOOD DISEASES

Mr. JEFFORDS. Mr President, I rise today to bring attention to the single most common chronic infectious childhood disease, namely dental decay. In fact, it is five times more common than asthma and seven times more common than hay fever. Young children with severe decay, affecting multiple teeth, may need to be treated in a hospital under general anesthesia. This level of treatment is unnecessarily costly. An estimated $100 million each year is spent for operating room charges associated with treating severe decay in very young children.

One of the most cost effective ways to reduce the burden of tooth decay, before it starts, is community water fluoridation. Since 1945, water fluoridation has been the cornerstone of the nation's oral health, by safely, inexpensively and effectively preventing tooth decay regardless of an individuals' socioeconomic status or ability to obtain dental care. Today, close to 144 million Americans receive this benefit through fluoridated water. Unfortunately, more than 100 million others do not.

This is especially disturbing, because water fluoridation remains the most equitable and cost-effective method of delivering fluoride. The average lifetime cost of fluoridation per person is less than the approximate cost of one dental filling.

In my home State of Vermont, three communities with over 7,000 residents, do not benefit from community water fluoridation. According to the Vermont Department of Health, high school students in one of these communities have the worse dental health in the State, by a significant margin. Because of the high disease rate in these three communities, they have responded by developing dental clinics to serve low-income residents. Although we applaud these communities for responding accordingly, the old adage holds true here, an ounce of prevention is worth a pound of cure.

Dental sealants have also proven to be an effective method of preventing tooth decay. Studies have shown that sealants can reduce tooth decay by over 70 percent. Despite the proven effectiveness of this method, only three percent of low-income children have had sealants applied to their teeth.

The inequities in oral health care are especially apparent in Medicaid patients. In 1993, only 1 in 5 children and adolescents covered by Medicaid received preventive dental service such as application of fluoride or sealants. Alarmed by these statistics, Senator RUSS FEINGOLD and I, along with 26 of our colleagues, wrote to the Health Care Financing Administration asking that they explore what Medicaid could do to improve access to comprehensive dental services for underserved children.

Oral health is a key determinate of overall health. It is essential that we continue to pursue these low-cost and effective measures to ensure that all children in this country, regardless of income and geography, are free of dental disease.

TRIBALLY CONTROLLED POSTSECONDARY VOCATIONAL AND TECHNICAL INSTITUTIONS

Mr. CONRAD. Mr. President, I would like to engage the Chair of the HELP Committee in a colloquy regarding eligibility for Section 117 of the Carl Perkins Vocational and Applied Technology Education Act. Section 117 authorizes funding for Tribally Controlled Postsecondary Vocational and Technical Institutions. The funds have been awarded annually to the two existing tribally controlled postsecondary vocational institutions that are devoted to providing vocational and technical education, United Tribes Technical College and Crownpoint Institute of Technology. Historically, these two institutions have not received assistance under the Tribally Controlled College and University Assistance Act, so the Perkins funds are key to their existence.

On March 28, 2001, the Department of Education issued a Request for Proposals, RFP for funding under Section 117 that would open up funding for this program to the tribal colleges. The Department is operating under the mistaken view that the 1998 Perkins Amendments changed the previous Perkins law with regard to eligibility for these funds. In fact, it was not the intent of Congress to in any way alter eligibility for Section 117 funding when it enacted the 1998 Perkins Amendments. The members of the North Dakota and New Mexico delegations disagree with the Department and have written to Secretary Paige stating our view that the 1998 Perkins amendments did not change the eligibility for what is now the Section 117 program. Do the Chairman and Ranking Member of the HELP Committee agree with our view?

Mr. JEFFORDS. Yes, I agree with the view of the North Dakota and New Mexico delegations. The 1998 amendments to the Perkins Act made no substantive changes to the Tribally Controlled Postsecondary Vocational Institutions section of the law concerning eligibility. The section that authorizes the grants retained the purpose of providing assistance solely to institutions whose focus is vocational and technical education.

Mr. DOMENICI. The Crownpoint Institute of Technology and United Tribes Technical College depend on Perkins funding for their core operational funds, and the Department should not make radical changes in eligibility simply by issuing a new grant announcement. The 1992 regulations for

the Tribally Controlled Postsecondary Vocational Institutions Program state, at 34 CFR 440.5, that tribal colleges are not eligible for these funds. The regulations have not been changed. Would the Ranking Member of the HELP Committee comment on this?

Mr. KENNEDY. The senior Senator from New Mexico is correct. The 1992 regulations have not been changed, nor has there been a need to change them because the 1998 Perkins Amendments made no changes concerning which institutions are eligible for the Tribally Controlled Postsecondary Vocational Institutions funding.

Mr. DORGAN. I would like to inquire of the junior Senator from New Mexico and a member of the HELP Committee, what difference, if any, was made in the eligibility for the Tribally Controlled Postsecondary Vocational Institutions funding in 1998?

Mr. BINGAMAN. No change was made. We included a parenthetical reference to the definition of ''institution of higher education,'' this has no practical effect as both the 1990 and 1998 Perkins laws require that a grant recipient be an institution of higher education. The Department should continue providing grants for Section 117 under the current regulations unless and until new regulations are issued pursuant to the Administrative Procedures Act. Crownpoint Institute of Technology and United Tribes Technical College were intended to be the only beneficiaries of this section.

Mr. DORGAN. Thank you. I would like to include for the RECORD a copy of the letter from the North Dakota and New Mexico delegations to Secretary Paige on this matter. I would also like included in the RECORD a letter from Dr. Jim Shanley, President of the American Indian Higher Education Consortium, objecting to the Department's RFP that would open up the Section 117 program to the tribal colleges. Dr. Shanley notes that such an action would likely result in the closing of the doors of the tribally controlled postsecondary vocational institutions.

The letters follow:

WASHINGTON, DC,
March 27, 2001.

Hon. ROD PAIGE,
Secretary of Education, U.S. Department of Education, Washington, DC.

DEAR SECRETARY PAIGE: We write to express serious concerns about the process used by the Department of Education in issuing the March 23, 2001, Federal Register grant announcement for Section 117 of the Carl Perkins Vocational and Technical Education Act. Section 117 is specific to tribally controlled postsecondary vocational institutions, of which there are two: United Tribes Technical College (UTTC) and Crowpoint Institute of Technology (CIT).

We understand that the March 23 notice has been withdrawn for technical reasons but that the Department intends to reissue the notice shortly. The March 23 notice makes drastic changes in Section 117 eligibility and uses of funds that are inconsistent with the existing program regulations in 34 CFR Part 410. The eligible applicant pool would be expanded to include tribally-controlled community colleges for the first time and the uses of the funds would be restricted.

If put into place, these changes could result in closure of the two institutions that have depended on this funding for their core operations. The Perkins funds support the ongoing operations of UTTC and CIT, just as funding under the Tribally Controlled Colleges and Universities Act supports the ongoing operations of tribal colleges. We ask that you not reissue the notice regarding Section 117 but rather engage in a formal rulemaking process. Pending that, the FY 2001 Perkins funds should be issued under the current regulations.

We view the March 23 notice as an end-run around the regulatory process; it is, in effect, a set of new regulations without the benefit of any formal process or consultation with the affected parties. The 1998 amendments to the Perkins Act were signed into law on October 31, 1998—almost two-and-a-half years ago—and no regulations have been issued. Now the Department asserts that the 1998 amendments ''substantially revised'' the tribally controlled postsecondary institutions program and wants to waive the regulatory process on the grounds that there is no time to issue regulations if the awards under Section 117 are to be made in a timely manner. This is disingenuous and certainly not in keeping with the federal government's policy of working with tribes on a government-to-government basis, including consultation with tribes and tribal organizations on policy matters that will affect them.

Again, we urge you to direct that the March 23 grant announcement not be reissued but rather use the existing regulations for Tribally Controlled Postsecondary Vocational Institutions for this grant period. If the Department feels that new regulations are warranted for the 1998 Perkins Act Amendments, such regulations should be issued through the Administrative Procedures Act in consultation with the affected tribal parties.

We appreciate your attention to this important matter.

Sincerely,

KENT CONRAD,
PETE DOMENICI,
BYRON L. DORGAN,
JEFF BINGAMAN,
U.S. Senate.

EARL POMEROY,
TOM UDALL,
U.S. House of Representatives.

AMERICAN INDIAN
HIGHER EDUCATION CONSORTIUM,
Alexandria, VA, March 27, 2001.

Mr. ROBERT MULLER,
Deputy Assistant Secretary (Acting), Office of Vocational and Adult Education, Department of Education, Washington, DC.

DEAR MR. MULLER: On behalf of the 32 Tribal Colleges and Universities, I am writing to request your assistance with a serious matter involving our two tribally-controlled postsecondary vocational institutions, United Tribes Technical College (UTTC) and Crownpoint Institute of Technology (CIT). It has come to my attention that your office is about to publish a solicitation opening up eligibility requirements for Title I, Sec. 117; therefore, significantly changing the intent of the program. It is of great concern that no consultation has been done with our institutions on this matter. To make this change would seriously jeopardize the funding for UTTC and CIT's core operations and force their closure.

Because of the immense ramifications of this action, we strongly urge you to hold the solicitation to be published March 28, 2002. We also request that appropriate consultation occur with AIHEC, UTTC, and CIT as soon as possible so that this matter can be resolved constructively and expeditiously.

It is important to note the value of these two institutions and their historic role in providing vocational education opportunities to American Indian students. UTTC and CIT were founded because of limited access to opportunities in vocational education in serving their respective tribal communities. However, because these two institutions are vocational in nature and did not meet the eligibility requirements of the Tribally Controlled College Assistance Act for core operational support, Sec. 117 was created by AIHEC's advocacy efforts on their behalf.

Thank you for your immediate attention and consideration. We look forward to your response. I can be reached at 703–980–4456/cell or 505–982–4411 until March 29th.

Respectively,

DR. JAMES SHANLEY,
President.

GUN SHOW BACKGROUND CHECK ACT

Mr. LEVIN. Mr. President, this week I joined Senator REED and a number of my colleagues in introducing the Gun Show Background Check Act, which would close the gun show loophole. If enacted, prospective buyers at gun shows would be required to undergo Brady background checks to ensure that they are not felons, fugitives, domestic abusers, or other persons prohibited from purchasing firearms.

It is incredible to me that more than two years after Columbine, lawmakers have not yet acted to reduce the availability of guns to criminals and other prohibited persons by closing this loophole in our federal firearm laws. Just a few days ago, America memorialized the worst school shooting in our nation's history. On April 20, two years ago, Eric Harris and Dylan Klebold brought terror to Columbine High School. Of the four guns used by the two Columbine shooters, three were acquired at a gun show. The teenage shooters took full advantage of the gun show loophole, which allowed their friend, Robyn Anderson, to buy them two rifles and a shotgun without ever submitting to a background check. Later, Robyn Anderson testified about her experience to the Colorado Legislature. She said:

> While we were walking around [at the gun show], Eric and Dylan kept asking sellers if they were private or licensed. They wanted to buy their guns from someone who was private—and not licensed—because there would be no paperwork or background check.
>
> I was not asked any questions at all. There was no background check . . . I would not have bought a gun for Eric and Dylan if I had had to give any personal information or submit any kind of check at all.