

and he and I have cosponsored legislation which seeks to ensure that once somebody is blessed with a child that they will meet their responsibilities to that child. We passed legislation, as the gentleman from Baltimore pointed out, in 1993 which said that we were going to ensure that children would be covered under the health care policies of their parents. However, we did not also include Federal employees, the Federal Employee Health Benefit Plan, under that provision. We thought we had.

I think that was our concept but we had not and this legislation seeks to cure that defect in the language.

Now, the gentleman from Maryland (Mr. CUMMINGS), the gentlewoman from Maryland (Mrs. MORELLA), and I are unreserved supporters of Federal employees; but Federal employees, like every other individual in our country, need to meet their responsibilities. I believe that I had and continue to have a personal responsibility for my children. It is not the responsibility of the gentleman from Maryland (Mr. CUMMINGS) or the responsibility of the gentlewoman from Maryland (Mrs. MORELLA), it is my responsibility. They are my children. Now, they are all adults now, but I view them as a blessing. I view it as a blessing that I have the opportunity and the wherewithal, very frankly, to help them.

I would hope every parent would do that; not only would I hope they would do it, it is my expectation that they would do it. And this legislation simply says, as the gentleman has pointed out in correct detail, that if a court orders you to carry your child on your policy and provide them with health care coverage, critical to every child in America, then the Federal employer, like every other employer, will comply with the law in making sure that you meet that personal responsibility.

So I rise in very strong support of that. Some will say it is an additional burden on Federal employees; I say it is not. It is an equitable treatment of Federal employees as we want every other employee in America to be treated so that children in America will be better cared for and will grow up more secure and safe and better citizens.

Although this bill will not get national publicity, it is a very important bill, not only for the children that it will immediately affect, but for the principle that it adopts of responsibility of parents for the welfare and well-being of their children.

Mrs. MORELLA. Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Maryland (Mr. HOYER) for his comments, because his comments really go to the crux of why we are doing what we are doing. I think all of us, all of us in this Congress accept the fact that we have to do everything in our power to make sure children have an opportunity to grow up so that they can be the best that they can be.

And when we think about something like health care, a child able to be taken care of if he has the measles or the mumps or has some kind of problem, health problem, just to know that that custodial parent is placed in a position where he or she can take that child to a health care provider and have that child taken care of is so very, very important.

As the gentleman said, this bill may not reach the headlines of our papers; but I can tell my colleagues one thing, it will reach the headlines of a lot of families, a lot of custodial parents who merely want their children to be healthy.

Mr. Speaker, I urge my colleagues to support this very important legislation. I again, thank the gentlewoman from Maryland (Mrs. MORELLA). I want to thank all of the members of our subcommittee for the bipartisan effort in our quest to uplift the children of our great Nation.

Mr. Speaker, I yield back the balance of my time.

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Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a little bill that goes a long way, a long way as we have heard in terms of helping those children who are most vulnerable to make sure that they are provided health insurance. It is going to enable the Federal Government to enroll an employee in a self and family plan in the Federal Employees Health Benefits Program when a State court orders the employee to provide health insurance coverage for a child of the employee, but the employee fails to provide the coverage.

I want to thank the gentleman from Maryland (Mr. CUMMINGS) for sponsoring this bill, for recognizing its importance. I want to thank the chairman of the Subcommittee on Civil Service, the gentleman from Florida (Mr. SCARBOROUGH), for helping this bill come forward; the gentleman from Indiana (Mr. BURTON), the chairman of the full Committee on Government Reform; the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform; the cosponsors and those who have spoken today, the gentleman from Maryland (Mr. HOYER), in effect.

I do want to ask that the Members of this House unanimously, I hope, support this important legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 2842, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

“A bill to amend chapter 89 of title 5, United States Code, concerning the Federal Employees Health Benefits (FEHB) Program, to enable the Federal Government to enroll an employee and his or her family in the FEHB Program when a State court orders the employee to provide health insurance coverage for a child of the employee but the employee fails to provide the coverage, and for other purposes.”.

A motion to reconsider was laid on the table.

#### INTELLECTUAL PROPERTY TECHNICAL AMENDMENTS ACT OF 2000

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4870) to make technical corrections in patent, copyright, and trademark laws.

The Clerk read as follows:

H.R. 4870

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Intellectual Property Technical Amendments Act of 2000”.

#### SEC. 2. OFFICERS AND EMPLOYEES.

(a) RENAMING OF OFFICERS.—(1) Title 35, United States Code, is amended—

(A) by striking “Director” each place it appears and inserting “Commissioner”; and

(B) by striking “Director’s” each place it appears and inserting “Commissioner’s”.

(2) The Act of July 5, 1946 (commonly referred to as the “Trademark Act of 1946”; 15 U.S.C. 1051 et seq.) is amended by striking “Director” each place it appears and inserting “Commissioner”.

(3)(A) Title 35, United States Code, is amended by striking “Commissioner for Patents” each place it appears and inserting “Assistant Commissioner for Patents”.

(B) Section 3(b)(2) of title 35, United States Code, is amended—

(i) in the paragraph heading, by striking “COMMISSIONERS” and inserting “ASSISTANT COMMISSIONERS”;

(ii) in subparagraph (A), in the last sentence—

(I) by striking “a Commissioner” and inserting “an Assistant Commissioner”; and

(II) by striking “the Commissioner” and inserting “the Assistant Commissioner”;

(iii) in subparagraph (B)—

(I) by striking “Commissioners” each place it appears and inserting “Assistant Commissioners”;

(II) by striking “Commissioners’ ” each place it appears and inserting “Assistant Commissioners’ ”; and

(iii) in subparagraph (C), by striking “Commissioners” and inserting “Assistant Commissioners”.

(C) Section 3(f) of title 35, United States Code, is amended in paragraphs (2) and (3), by striking “the Commissioner” each place it appears and inserting “the Assistant Commissioner”.

(D) Section 13 of title 35, United States Code, is amended—

(i) by striking “Commissioner of” each place it appears and inserting “Assistant Commissioner for”; and

(ii) by striking “Commissioners” and inserting “Assistant Commissioners”.

(E) Chapter 17 of title 35, United States Code, is amended by striking “Commissioner of Patents” each place it appears and inserting “Assistant Commissioner for Patents”.

(F) Section 297 of title 35, United States Code, is amended by striking “Commissioner

of Patents" each place it appears and inserting "Commissioner".

(4) Title 35, United States Code, is amended by striking "Commissioner for Trademarks" each place it appears and inserting "Assistant Commissioner for Trademarks".

(5) Section 5314 of title 5, United States Code, is amended by striking

"Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office." and inserting

"Under Secretary of Commerce for Intellectual Property and Commissioner of the United States Patent and Trademark Office."

(6)(A) Section 303 of title 35, United States Code, is amended—

(i) in the section heading by striking "Director" and inserting "Commissioner"; and

(ii) by striking "Director's" and inserting "Commissioner's".

(B) The item relating to section 303 in the table of sections for chapter 30 of title 35, United States Code, is amended by striking "Director" and inserting "Commissioner".

(b) ADDITIONAL CLERICAL AMENDMENTS.—

(1) The following provisions of law are amended by striking "Director" each place it appears and inserting "Commissioner".

(A) Section 9(p)(1)(B) of the Small Business Act (15 U.S.C. 638(p)(1)(B)).

(B) Section 19 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831r).

(C) Section 182(b)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2242(b)(2)(A)).

(D) Section 302(b)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2412(b)(2)(D)).

(E) Section 702(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372(d)).

(F) Section 1295(a)(4)(B) of title 28, United States Code.

(G) Section 1744 of title 28, United States Code.

(H) Section 151 of the Atomic Energy Act of 1954 (42 U.S.C. 2181).

(I) Section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182).

(J) Section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457).

(K) Section 12(a) of the Solar Heating and Cooling Demonstration Act of 1974 (42 U.S.C. 5510(a)).

(L) Section 10(i) of the Trading with the enemy Act (50 U.S.C. App. 10(i)).

(M) Section 4203 of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106-113.

(2) The item relating to section 1744 in the table of sections for chapter 115 of title 28, United States Code, is amended by striking "generally" and inserting ", generally".

(c) REFERENCES.—Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Patent and Trademark Office—

(1) to the Director of the United States Patent and Trademark Office or to the Commissioner of Patents and Trademarks is deemed to refer to the Under Secretary of Commerce for Intellectual Property and Commissioner of the United States Patent and Trademark Office;

(2) to the Commissioner for Patents is deemed to refer to the Assistant Commissioner for Patents; and

(3) to the Commissioner for Trademarks is deemed to refer to the Assistant Commissioner for Trademarks.

### SEC. 3. CLARIFICATION OF REEXAMINATION PROCEDURE ACT OF 1999; TECHNICAL AMENDMENTS.

(a) OPTIONAL INTER PARTES REEXAMINATION PROCEDURES.—Title 35, United States Code, is amended as follows:

(1) Section 311 is amended—

(A) in subsection (a), by striking "person" and inserting "third-party requester"; and

(B) in subsection (c), by striking "Unless the requesting person is the owner of the patent, the" and inserting "The".

(2) Section 312 is amended—

(A) in subsection (a), by striking the last sentence; and

(B) by striking ", if any".

(3) Section 314(b)(1) is amended—

(A) by striking "(1) This" and all that follows through "(2)" and inserting "(1)";

(B) by striking "the third-party requester shall receive a copy" and inserting "the Office shall send to the third-party requester a copy"; and

(C) by redesignating paragraph (3) as paragraph (2).

(4) Section 315(c) is amended by striking "United States Code,".

(5) Section 317 is amended—

(A) in subsection (a), by striking "patent owner nor the third-party requester, if any, nor privies of either" and inserting "third-party requester nor its privies"; and

(B) in subsection (b), by striking "United States Code,".

(b) CONFORMING AMENDMENTS.—

(1) APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES.—Subsections (a), (b), and (c) of section 134 of title 35, United States Code, are each amended by striking "administrative patent judge" each place it appears and inserting "primary examiner".

(2) PROCEEDING ON APPEAL.—Section 143 of title 35, United States Code, is amended by amending the third sentence to read as follows: "In an ex parte case or any reexamination case, the Commissioner shall submit to the court in writing the grounds for the decision of the Patent and Trademark Office, addressing all the issues involved in the appeal. The court shall, before hearing an appeal, give notice of the time and place of the hearing to the Commissioner and the parties in the appeal.".

(c) CLERICAL AMENDMENTS.—

(1) Section 4604(a) of the Intellectual Property and Communications Omnibus Reform Act of 1999, is amended by striking "Part 3" and inserting "Part III".

(2) Section 4604(b) of that Act is amended by striking "title 25" and inserting "title 35".

(d) EFFECTIVE DATE.—The amendments made by sections 4605(c) and 4605(e) of the Intellectual Property and Communications Omnibus Reform Act, as enacted by section 1000(a)(9) of Public Law 106-113, shall apply to any reexamination filed in the United States Patent and Trademark Office on or after the date of the enactment of Public Law 106-113.

### SEC. 4. PATENT AND TRADEMARK EFFICIENCY ACT AMENDMENTS.

(a) DEPUTY COMMISSIONER.—

(1) Section 17(b) of the Act of July 5, 1946 (commonly referred to as the "Trademark Act of 1946") (15 U.S.C. 1067(b)), is amended by inserting "the Deputy Commissioner," after "Commissioner,".

(2) Section 6(a) of title 35, United States Code, is amended by inserting "the Deputy Commissioner," after "Commissioner,".

(b) PUBLIC ADVISORY COMMITTEES.—Section 5 of title 35, United States Code, is amended—

(1) in subsection (i), by inserting ", privileged," after "personnel"; and

(2) by adding at the end the following new subsection:

"(j) INAPPLICABILITY OF PATENT PROHIBITION.—Section 4 shall not apply to voting members of the Advisory Committees."

(c) MISCELLANEOUS.—Section 153 of title 35, United States Code, is amended by striking "and attested by an officer of the Patent and Trademark Office designated by the Commissioner,".

### SEC. 5. DOMESTIC PUBLICATION OF FOREIGN FILED PATENT APPLICATIONS ACT OF 1999 AMENDMENTS.

Section 154(d)(4)(A) of title 35, United States Code, as in effect on November 29, 2000, is amended—

(1) by striking "on which the Patent and Trademark Office receives a copy of the" and inserting "of"; and

(2) by striking "international application" the last place it appears and inserting "publication".

### SEC. 6. DOMESTIC PUBLICATION OF PATENT APPLICATIONS PUBLISHED ABROAD.

Subtitle E of title IV 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 4505 is amended to read as follows:

"SEC. 4505. PRIOR ART EFFECT OF PUBLISHED APPLICATIONS.

"Section 102(e) of title 35, United States Code, is amended to read as follows:

"(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States if and only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language; or"

(2) Section 4507 is amended—

(A) in paragraph (1), by striking "Section 11" and inserting "Section 10";

(B) in paragraph (2), by striking "Section 12" and inserting "Section 11".

(C) in paragraph (3), by striking "Section 13" and inserting "Section 12";

(D) in paragraph (4), by striking "12 and 13" and inserting "11 and 12";

(E) in section 374 of title 35, United States Code, as amended by paragraph (10), by striking "confer the same rights and shall have the same effect under this title as an application for patent published" and inserting "be deemed a publication"; and

(F) by adding at the end the following:

"(12) The item relating to section 374 in the table of contents for chapter 37 of title 35, United States Code, is amended to read as follows:

"374. Publication of international application."

(3) Section 4508 is amended to read as follows:

"SEC. 4508. EFFECTIVE DATE.

"Except as otherwise provided in this section, sections 4502 through 4507, and the amendments made by such sections, shall take effect on November 29, 2000, and shall apply only to applications (including international applications designating the United States) filed on or after that date. The amendments made by sections 4504 and 4505 shall additionally apply to any pending application filed before November 29, 2000, if such pending application is published pursuant to a request of the applicant under such procedures as may be established by the Director. If an application is filed on or after November 29, 2000, or is published pursuant to a request from the applicant, and the application claims the benefit of one or more prior-filed applications under section 119(e), 120, or 365(c) of title 35, United States Code, then the provisions of section 4505 shall



the business of the applicant, or portion thereof, to which the mark pertains, if that business is ongoing and existing.

"(2) In any assignment authorized by this section, it shall not be necessary to include the good will of the business connected with the use of and symbolized by any other mark used in the business or by the name or style under which the business is conducted.

"(3) Assignments shall be by instruments in writing duly executed. Acknowledgment shall be prima facie evidence of the execution of an assignment, and when the prescribed information reporting the assignment is recorded in the United States Patent 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 Director.

"(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 "numeral".

(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. ADDITIONAL 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 "113(a)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

#### GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4870, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

(Mr. COBLE asked and was given permission to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, I rise in support of H.R. 4870, the Intellectual Property Technical Amendments Act of 2000. As my colleagues may well know, the benefits of the modern economy and promise for future prosperity are strongly related to our intellectual property laws. We are relying upon the proper functioning of our country's patent and trademark systems. These laws are not a casual accident, but a result of constant refinement by the Congress.

Last year, the Congress passed landmark patent reform in the American Inventors Protection Act in the final days of the session. As we all know in the hurly-burly to pass such a large bill, it is usually the case that there are often many oversights and errors which require a follow-up technical corrections bill.

I am pleased to report that the bulk of today's bill is clerical and technical in nature. It removes semicolons, aligns paragraphs, and makes other housekeeping changes. It changes some titles of key offices at the PTO. It also includes some noncontroversial changes to make certain that reexamination and the status of patent applications go as anticipated.

It advances the Congress' goal of making the PTO a more responsible government department. Most importantly, it preserves the protections for the American inventor that we designed and implemented last year.

In closing, I am pleased that the efforts of the progress on H.R. 4870 reunited me with my friend and colleague, the gentleman from California (Mr. ROHRBACHER), who is a tireless advocate for the American innovator. Likewise, I want to extend my remarks and thanks to the ranking member, the gentleman from California (Mr. BERMAN), for his valuable assistance in preparing this bill for consideration. The Members will realize that a strong and well-functioning patent and trademark system plays an integral part in our economic prosperity, should feel confident that the legislation before us

plays a small, however important, role in continuing our efforts.

I urge all of my colleagues to support its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my good friend, the gentleman from North Carolina (Mr. COBLE), for shepherding this bill forward. As the gentleman from North Carolina (Mr. COBLE) indicated, last year Congress enacted substantial reforms to the patent system. After the enactment last year of the American Inventors Protection Act and the intervening months of implementation, it has become apparent that several minor adjustments to the law are needed. Most of the corrections within the manager's amendment and the underlying H.R. 4870, the Intellectual Property Technical Amendments Act, are truly technical, correcting punctuation and the like.

There are some minor substantive changes that are needed to implement last year's legislation. H.R. 4870, as reported by the Committee on the Judiciary and the manager's amendment, address several such issues. I want to thank the legislative counsel's office and those at the Patent and Trademark Office and the patent and trademark communities who have assisted us in identifying the problems with this bill that it addresses, and I urge the body's vote for this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 4870, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### ESTABLISHING THE ELIGIBILITY OF ALIENS ADMITTED FOR PERMANENT RESIDENCE

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5062) to establish the eligibility of certain aliens lawfully admitted for permanent residence for cancellation of removal under section 240A of the Immigration and Nationality Act.

The Clerk read as follows:

H.R. 5062

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. LIMITING DISQUALIFICATION FROM CANCELLATION OF REMOVAL FOR CERTAIN PERMANENT RESIDENT ALIENS.

(a) TERMINATION OF PERIOD OF CONTINUOUS RESIDENCE.—