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(C) provides such information and assurances as the Secretary may require; and

(2) the recipient shall enter into a Memorandum of Understanding (MOU) with the Secretary providing—

(A) a timetable for completion of construction and opening of the Center;

(B) assurances that design, architectural and construction contracts will be competitively awarded;

(C) specifications meeting all applicable Federal, State, and local building codes and laws;

(D) arrangements for operations and maintenance upon completion of construction;

(E) a description of center collections and educational programing;

(F) a plan for design of exhibits including, but not limited to, collections to be exhibited, security, preservation, protection, environmental controls, and presentations in accordance with professional museum standards;

(G) an agreement with the Navajo Nation and the Ute Mountain Ute Tribe relative to site selection and public access to the facilities; and

(H) a financing plan developed jointly by the Navajo Nation and the Ute Mountain Ute Tribe outlining the long-term management of the Center, including but not limited to—

(i) the acceptance and use of funds derived from public and private sources to minimize the use of appropriated or borrowed funds;

(ii) the payment of the operating costs of the Center through the assessment of fees or other income generated by the Center;

(iii) a strategy for achieving financial self-sufficiency with respect to the Center by not later than 5 years after the date of enactment of this Act; and

(iv) defining appropriate vendor standards and business activities at the Four Corners Monument Tribal Park.

SEC. 6. SELECTION OF GRANT RECIPIENT.

The Secretary is authorized to award a grant in accordance with the provisions of this Act. The Four Corners Heritage Council may make recommendations to the Secretary on grant proposals regarding the design of facilities at the Four Corners Monument Tribal Park.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

IN GENERAL.—

(1) AUTHORIZATIONS.—There are authorized to be appropriated to carry out this Act—

(A) $2,000,000 for fiscal year 1999; and

(B) $50,000 for each of fiscal years 2000 through 2004 for maintenance and operation of the center, program development, or staffing in a manner consistent with the requirements of section 5(b).

(2) CARRYOVER.—Any funds made available under this section that are unexpended at the end of the fiscal year for which those funds are appropriated may be used by the Secretary through fiscal year 2001 for the purposes for which those funds were made available.

(3) RESERVATION OF FUNDS.—The Secretary may reserve funds appropriated pursuant to this Act until a proposal meeting the requirements of this Act is submitted, but no later than September 30, 2000.

SEC. 8. DONATIONS.

Notwithstanding any other provision of law, for purposes of the planning, construction, and operation of the Center, the Secretary may accept, retain, and expand donations of funds, and use property or services donated from private persons and entities or from public entities.

SEC. 9. STATUTORY CONSTRUCTION.

Nothing in this Act is intended to abrogate, modify, or impair any right or claim of the Navajo Nation or the Ute Mountain Ute Tribe, that is based on any law (including any treaty, Executive order, agreement, or Act of Congress).

TRADEMARK LAW TREATY IMPLEMENTATION ACT

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 474, S. 2193.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 2193) to implement the provisions of the Trademark Law Treaty.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3601

(Purpose: To make certain technical corrections to the Trademark Act of 1946, and for other purposes)

Mr. SANTORUM. Mr. President, Senator HATCH has a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM], for Mr. HATCH, proposes an amendment numbered 3601.

The amendment is as follows:

[The bill was not available for printing. It will appear in a future edition of the RECORD.]

Mr. LEAHY. Mr. President, I am pleased that the Senate is considering S. 2193, the Trademark Law Treaty Implementation Act (TLT Act), along with some important technical amendments. I wish that Congress was doing more work on intellectual property issues to maintain America's preeminence in the realm of technology. Specifically I wish we were at conference on the Digital Millennium Copyright Act, which would implement the World Intellectual Property Organization treaties. We should also be passing the Patent Bill, which would help America's inventors of today and tomorrow. I am glad however, at the very least, that we are at last considering the TLT Act.

THE TRADEMARK LAW TREATY IMPLEMENTATION ACT

The TLT Act, which Senator HATCH and I introduced to implement the Trademark Law Treaty of 1994, is an important step in our continuing endeavor to harmonize trademark law around the world so that American businesses—particularly small American businesses like so many of the businesses in Vermont—seeking to expand internationally will face simplified and straightforward trademark registration procedures in foreign countries.

Today more than ever before, trademarks are among the most valuable assets of business. One of the major obstacles in securing international trademark protection is the difficulty and cost involved in obtaining and maintaining a registration in each and every country. Countries around the world have a number of varying requirements for filing trademark applications, many of which are nonsubstantive and very confusing. Because of these difficulties, many U.S. businesses, especially smaller businesses, are forced to concentrate their efforts on registering their trademarks only in certain major countries while pirates freely register their marks in other countries.

The Trademark Law Treaty will eliminate many of the arduous registration requirements of foreign countries by enacting a list of maximum requirements for trademark procedures. Eliminating needless formalities will be an enormous step in the direction of a rational trademark system which will benefit American business, especially smaller businesses, to expand into the international market more freely. Fortunately, the Trademark Law Treaty has already been signed by thirty-five countries and was ratified by the Senate on June 26, 1998.

The U.S. Patent and Trademark Office, the International Trademark Association, and the American Intellectual Property Law Association all support the Trademark Law Treaty and the TLT Act. In a letter to me dated July 1, 1998, the International Trademark Association stated that the Trademark law Treaty is "critical to the success of U.S. companies as they operate in the rapidly expanding and ever increasingly competitive global marketplace." The American Intellectual Property Law Association, in a letter to me dated July 13, 1998, explained: "The Trademark Law Treaty harmonizes a number of the requirements and procedures associated with the filing, registration and renewal of trademarks. It has the potential to bring significant improvements in the trademark practices of a number of important countries around the world in which U.S. trademark owners seek protection. By conforming its trademark law with the obligations of the TLT and ratifying the treaty, the United States can exercise leadership to encourage additional nations, particularly those with burdensome procedural requirements, to also adhere."

THE TECHNICAL CORRECTIONS BILL

I also support the amendment to this legislation of S. 2192, the trademark technical corrections bill. This measure contains several mostly technical amendments to the Lanham Act. The most important of these amendments addresses the status of "functional" shapes as trademarks. Functional shapes are those whose features are dictated by utilitarian considerations. Under current law, the registration as a trademark of a functional shape becomes "incontestable" after 5 years

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even though it should never have been registered in the first place. S. 2192 would correct this anomaly by adding functionality as a ground of cancellation of a mark at any time. The U.S. Patent and Trademark Office, the International Trademark Association, and the American Intellectual Property Law Association all support the trademark technical corrections bill. To date, I have not heard any opposition to this amendment.

I hope that after passage of the TLT Act, Congress can get back to work on our other pressing intellectual property issues, namely the Digital Millennium Copyright Act and the Patent Bill, to fortify American intellectual property rights around the world and to help unleash the full potential of America's most creative industries.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 3601) was agreed to.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, as amended; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (S. 2193), as amended, was considered read the third time and passed.

AUTHORIZING PRINTING OF SENATE DOCUMENT

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 280, submitted earlier today by Senators LUGAR and HARKIN.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 280) directing the printing as a Senate document of a compilation of materials entitled "History of the United States Senate Committee on Agriculture, Nutrition and Forestry".

The Senate proceeded to consider the resolution.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the resolution be agreed to and that the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 280) was agreed to, as follows:

S. RES. 280

Resolved,

SECTION 1. PRINTING OF HISTORY OF THE UNITED STATES SENATE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.

The Public Printer shall print—

(1) as a Senate document a compilation of materials, with illustrations, entitled "History of the United States Senate Committee on Agriculture, Nutrition, and Forestry"; and

(2) 100 copies of the document in addition to the usual number.

INTERNATIONAL COMMISSION OF JURISTS ON TIBET AND ON THE UNITED STATES POLICY WITH REGARD TO TIBET

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 500, S. Con. Res. 103.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 103) expressing the sense of Congress in support of the recommendations of the International Commission of Jurists on Tibet and on United States policy with regard to Tibet.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Foreign Relations with an amendment, as follows:

Resolved

That Congress—

(1) expresses grave concern regarding the findings of the December 1997 International Commission of Jurists report on Tibet that—

(A) repression in Tibet has increased steadily since 1994, resulting in heightened control on religious activity; a denunciation campaign against the Dalai Lama unprecedented since the Cultural Revolution; an increase in political arrests; suppression of peaceful protests; and an accelerated movement of Chinese to Tibet; and

(B) in 1997, the People's Republic of China labeled the Tibetan Buddhist culture, which has flourished in Tibet since the seventh century, as a "foreign culture" in order to facilitate indoctrination of Tibetans in Chinese socialist ideology and the process of national and cultural extermination;

(2) supports the recommendations contained in the report referred to in paragraph (1) that—

(A) call on the People's Republic of China—

(i) to enter into discussions with the Dalai Lama or his representatives on a solution to the question of Tibet;

(ii) to ensure respect for the fundamental human rights of the Tibetan people; and

(iii) to end those practices which threaten to erode the distinct cultural, religious and national identity of the Tibetan people and, in particular, to cease policies which result in the movement of Chinese people to Tibetan territory;

(B) call on the United Nations General Assembly to resume its debate on the question of Tibet based on its resolutions of 1959, 1961, and 1965; and

(C) call on the Dalai Lama or his representatives to enter into discussions with the Government of the People's Republic of China on a solution to the question of Tibet;

(3) commends the appointment by the Secretary of State of a United States Special Coordinator for Tibetan Issues—

(A) to promote substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives;

(B) to coordinate United States Government policies, programs, and projects concerning Tibet;

(C) to consult with the Congress on policies relevant to Tibet and the future and welfare of all Tibetan people, and to report to Congress in partial fulfillment of the requirements of section 536(a) of the Public Law 103-236; and

(D) to advance United States policy which seeks to protect the unique religious, cultural, and linguistic heritage of Tibet, and to encourage improved respect for Tibetan human rights;

(4) calls on the People's Republic of China to release from detention the 9-year old Panchen Lama, Gedhun Cheokyi Nyima, to his home in Tibet from which he was taken on May 17, 1995, and to allow him to pursue his religious studies without interference and according to tradition;

(5) commends the President for publicly urging President Jiang Zemin, during their recent summit meeting in Beijing, to engage in dialogue with the Dalai Lama; and

(6) calls on the President to continue to work to secure an agreement to begin substantive negotiations between the Government of the People's Republic of China and the Dalai Lama or his representatives.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the committee amendment be agreed to.

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

The committee amendment was agreed to.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the resolution, as amended, be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the concurrent resolution be placed at the appropriate place in the RECORD.

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

The concurrent resolution (S. Con. Res. 103), as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 103

Whereas the International Commission of Jurists is a non-governmental organization founded in 1952 to defend the Rule of Law throughout the world and to work towards the full observance of the provisions in the Universal Declaration of Human Rights;

Whereas in 1959, 1960, and 1964, the International Commission of Jurists examined Chinese policy in Tibet, violations of human rights in Tibet, and the position of Tibet in international law;

Whereas in 1960, the International Commission of Jurists found "that acts of genocide has been committed in Tibet in an attempt to destroy the Tibetans as a religious group, * * *" and concluded that Tibet was at least "a de facto independent State" prior to 1951 and that Tibet was a "legitimate concern of the United Nations even on the restrictive interpretation of matters 'essentially within the domestic jurisdiction' of a State.";

Whereas these findings were presented to the United Nations General Assembly, which adopted three resolutions (1959, 1961, and 1965) calling on the People's Republic of China to ensure respect for the fundamental human rights of the Tibetan people and for their distinctive cultural and religious life, and to cease practices which deprive the Tibetan people of their fundamental human rights and freedoms including their right to self-determination;

Whereas in December 1997, the International Commission of Jurists issued a fourth report on Tibet, examining human rights and the rule of law, including self-determination;

Whereas the President has repeatedly indicated his support for substantive dialogue

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