If you are taking early retirement, check out the documents concerning its terms. Special promises made in such deals can override other plan documents.

And don't be shy about protecting yourself. If you can negotiate a personal promise of health insurance for yourself and/or dependents in retirement, do it. If your company is anxious to see you go, it may well agree.

Talk to experts as well. If you're in a union, officials there can be helpful. Or you may want to run the material by a labor lawyer. There's a lot of money at stake.

Free copies of the Labor Department bulletin are available from the Pension and Welfare Benefits Administration's publication hotline at 202–219–9247. It's also on the World Wide Web, at http://www.dol.gov/dol/pwba/.

POW/MIA RESTORATION ACT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. GILMAN. Mr. Speaker, I rise today to introduce the POW/MIA Restoration Act. Last year, this body secured a victory for U.S. service personnel, their families, and the families of POW/MIA's by winning the passage of H.R. 945, the Missing Service Personnel Act.

H.R. 945 received unanimous support in the House as part of the Department of Defense Authorization Act of 1996.

Unable to prevent the passage of H.R. 945, the opponents of the legislation waited until last summer to attach a Senate amendment to the 1997 Defense Authorization Conference Report. That amendment essentially tore the heart out of the Missing Service Personnel Act.

In response, along with other supporters of our Nation's POW/MIA's, I introduced H.R. 4000, which would have restored the provisions which were stripped out by the Senate amendment. Unfortunately, while H.R. 4000 was passed unanimously by the House, it fell victim to the procedural rules of the Senate which were skillfully used by the bill's opponents to ensure that it was not taken up for consideration before Congress adjourned.

The POW/MIA Restoration Act would restore the provisions stricken from the Missing Service Personnel Act by the Senate amendment.

The first provision to be restored requires that military commanders report and initiate a search for any missing service personnel within 48 hours, rather than 10 days as proposed by the Senate amendment. While current regulations require local commanders to report any individual missing for more than 24 hours, such missing often fall through the cracks, especially during military operations.

The second provision covers missing civilian employees of the Defense Department. These civilians are in the field under orders to assist our military, and deserve the same protections afforded our men and women in uniform.

The third provision to be restored states that if a body were recovered and could not be identified by visual means, that a certification by a credible forensic authority must be made. There have been too many recent cases where misidentification of remains has caused undue trauma for families.

Finally, H.R. 4000 would restore the provision which would require criminal penalties for any Government official who knowingly and willfully withholds information related to the disappearance, whereabouts, and status of a missing person.

Prompt and proper notification of any new information is essential to the successful investigation of each POW/MIA case. This cannot be achieved if individual bureaucrats deliberately seek to derail the process.

The opponents of the Missing Service Personnel Act have to this day never offered any credible reasons for their opposition to the legislation. Rather than create more redtape I believe these provisions will help streamline the bureaucracy and improve the investigation process.

Moreover the Missing Service Personnel Act has not been public law long enough to be adequately evaluated. To repeal provisions of a law after 5 months does not make sense, especially when that law has not yet had a chance to be tested.

Accordingly, I urge my colleagues today to join me in supporting the POW/MIA Restoration Act.

MILTON BERGERON, A MAN OF HEART AND SOIL

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to Milton Bergeron, who successfully combined teaching and conservation practices, his two passions, to make an important impact on the conservation efforts in Arenac County.

Milton is retiring from the Arenac Soil Conservation District Board after serving for 13 terms or 39 years. Elected to the Arenac Soil Conservation District Board in 1958, Milton has held the position of chairman, vice chair, secretary, and treasurer. While serving on the board, he taught and shared his knowledge of conservation with farmers, students, and teachers.

Born in Sterling, MI, Milton began his career in Holly, MI. he moved to Clintonville where he taught at School House Lake before becoming the principal of Waterford. He enjoyed teaching and working with young people, but his real love was farming. He bought his first 40 acre parcel and never stopped teaching, by sharing with other farmers conservation practices, he utilized in his own farming operation.

He founded an education program for the Arenac Conservation Board to help young people understand the importance of preserving high quality water and soil. Meeting with several teachers in the area, they started programs such as the annual poster contest now in its 30th year, the annual Arbor Day celebrations and taking fifth graders on an annual tour since the early 1970's.

Milton's dual passion for education and conservation fueled him to work with local teachers and the Department of Agriculture to sponsor a soil judging contest for high school students. Also wanting to recognize the teachers who were promoting conservation efforts in their classrooms, Milton presented a teacher of the year award at the district's annual meeting. Although Milton will continue to farm part time and participate in 4–H, church and community service.

Milton could not have been such an integral part of educating and promoting conservation efforts without the support of his wife, Lela, who he married in 1940 and his son and daughter-in-law, Ron and Mary Bergeron and his daughter and son-in-law, Ronella and Ron Berlinski.

Mr. Speaker, as you can see, Milton is a leader in his field—educating people of all ages on the importance of conservation efforts. His generous contributions over the years should be applauded and I commend Milton Bergeron for his many accomplishments.

THE TWENTY-FIRST CENTURY PATENT SYSTEM IMPROVEMENT ACT

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. COBLE. Mr. Speaker, today I am pleased to introduce an updated version of legislation originally drafted in the last Congress by two former members of the Judiciary Committee who have since retired, Carlos Moorhead and Pat Schroeder. Many of us were cosponsors in the 104th Congress, including our distinguished chairman, Mr. HYDE, and ranking member, Mr. CONYERS. Original cosponsors of this bill include Mr. GOODLATTE, a senior member of the Subcommittee on courts and Intellectual Property, Mr. CONYERS, and Ms. LOFGREN, also a member of the subcommittee.

This legislation is necessary to allow American businesses to compete effectively in markets today and into the 21st century. The United States is by far the world's largest producer of intellectual property. This success is of course due to the great creativity of our citizens, but this success is also the direct result of a rational and sound policy of protecting intellectual property—a system that encourages the development of new inventions and processes. However, America does not have a monopoly on creativity. Many other nations have learned from our success—America no longer stands alone in its commitment to a strong system of patent protection for its inventors, small businesses and industries. Consequently, it is more important now than ever that we adopt certain reforms that will ensure that America maintains its position as the world leader in the production of intellectual property.

Under current law, foreign companies enjoy certain benefits in America that American companies do not enjoy in their countries, like the advantages of publication and prior user rights; the changes proposed today are especially useful for small businesses—many of which simply will not survive if foreign competitors continue to operate on a tilted playing field in America.

This legislation will benefit American inventors and innovators and society at large. First, by providing more efficient and effective operation of the Patent and Trademark Office; second, by furthering the constitutional incentive to disseminate information regarding new technologies more rapidly; third, by guaranteeing that patent applicants will not lose patent term due to delays that are not their fault;

fourth, by improving the procedures for reviewing the work product of patent examiners; fifth, by protecting earlier domestic commercial users of patented technologies; and sixth, by deterring invention promoters from defrauding unsuspecting inventors.

As I mentioned, this legislation is the successor to a bill developed by the Judiciary Subcommittee on Courts and Intellectual Property in the last Congress and reported by unanimous vote by the Judiciary Committee late in the second session. The version of the bill that I am introducing today is nearly identical to last year's bill, and includes the contents of a manager's amendment that was developed with the Senate, the administration and the House Government Reform and Oversight Committee and which would have been offered if the bill had been scheduled for a vote in the House. This legislation was the subject of several days of hearings in the last Congress.

I would like to place in the RECORD a letter written by the Secretary of Commerce on September 12, 1996, that expressed the strong support of the Clinton administration for last year's bill, including the proposed manager's amendment.

THE SECRETARY OF COMMERCE,
Washington, DC, September 12, 1996.

Hon. CARLOS J. MOORHEAD,
Chairman, Subcommittee on Courts and Intelligence Property, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding Title I of H.R. 3460. The Department of Commerce is pleased that we have been able to work together in a truly bipartisan effort to ''reinvent'' the Patent and Trademark Office. We appreciate your staff's and Ranking Member Schroeder's staff's work to address the Administration's concerns with Title I. The Administration believes that the changes that we have crafted together in the en banc floor manager's amendment will create an organization consistent with the essential principles of the Vice President's vision for a Performance Based Organization, to further our mutual goal of creating a more efficient and effective patent and trademark office. In light of these changes, the Administration strongly supports House passage of H.R. 3460 with the en banc manager's amendment.

It is our joint vision to have a more business-like patent and trademark organization that can better serve the public and the innovators whose ideas are the engine of growth for our economy. By granting the new organization operational flexibility in exchange for greater accountability for achieving measurable goals, delineated in an annual performance agreement between the Secretary of Commerce and the Commissioner, the bill makes that vision a reality.

It is also our joint view that the Executive Branch must, as you put it, ''be able to establish an integrated policy on commercial and technology issues.'' By making clear that the bill does not alter the Secretary of Commerce's statutory responsibility for directing patent and trademark policy with respect to the duties of the Patent and Trademark Office, we have ensured the continuity of appropriate policy direction and oversight.

We also believe that other changes you have added to address Administration concerns, such as ensuring that there is independent Inspector General oversight and adequate personnel safeguards, will strengthen accountability mechanisms that we all endorse. The Administration is also pleased that the en banc manager's amendment addresses the central Constitutional and policy concerns of the Department of Justice with Title I.

We are committed to continuing to work together this year and in the future to perfect this bipartisan effort to invent anew the Patent and Trademark Office so that it will remain one of the Nation's most important resources for protecting and encouraging the preeminence of American innovation. We believe, for example, that there is still further work that we must do to address our concerns in the area of procurement, where we believe that the exemptions are broader than necessary to provide the flexibilities required.

H.R. 3460 contains five other titles that we believe will substantially improve the level of patent protection provided in the United States. These patent reforms are supported by the Administration and are of great importance to the Nation's economic competitiveness. We hope that they can be enacted in legislation this session.

Title II provides for the publication of patent applications eighteen months after the date on which they are filed or from the date on which the earliest referenced application was filed. This publication will help prevent economic disruption by those who now delay the grant of patents to extend their period of protection unfairly. It will also promote patent law harmonization that in the longer term will make it easier and cheaper for our small businesses and individual inventors to obtain protection abroad, as well as discouraging duplicative research. As a safeguard for those whose applications are published, it establishes a provisional patent right that allows a patent owner to obtain a reasonable royalty if, between the date of publication and the date of grant, another party infringes an invention substantially identically claimed in the published application and the patent. Also, it makes some administrative delays a basis for extension of the patent term, to ensure that diligent applicants are fully protected.

Title III creates a defense to an infringement action for parties that can establish prior use in commerce, including use in the design, testing, or production in the United States of a product or service before the date a patent application was filed in the United States or before the priority filing date. This ensures that inventors, who do not seek patent protection, will not be precluded unfairly from practicing their invention by other inventors who later obtain patent protection for the same invention.

Title IV is aimed at ensuring that inventors are fully informed prior to entering into a contract for invention development services. It also provides a cause of action if the service provider makes fraudulent claims or neglects to disclose material information to the inventor.

Title V amends the patent reexamination procedure to allow greater participation of their parties who request reexamination and expands the grounds for examination. Enhanced reexamination procedures will provide a less expensive and more timely alternative to costly patent litigation.

Lastly, Title VI contains several miscellaneous or ''housekeeping'' amendments, including one to ensure that our law provides priority consistent with our obligations to WTO countries and one to authorize submission of patent applications through electronic media. However, the Department of Justice opposes section 604 and the Administration urges that this provision be deleted. The recovery of attorneys' fees by individuals and small businesses from the Government in cases brought pursuant to 28 U.S.C. §1498(a) is already provided in the Equal Access to Justice Act (EAJA), 28 U.S.C. §2412(d). By contrast to EAJA, section 604 would provide for attorneys' fees even where the position taken by the Government is substantially justified by the law. This provision would, in fact, place the Government in a worse position than a private defendant in a patent infringement suit, against whom attorney fees can be awarded in ''exceptional'' cases. The provisions would discourage appropriate settlements and engender unnecessary litigation, by allowing private litigants to reject reasonable settlement offers safe in the knowledge that the Government will pay their attorneys' fees even if they are awarded damages less than the settlement offer. For these reasons, the Administration will continue to seek deletion of Section 604 before final Congressional action on this legislation.

Once again, we thank you for your commitment to working together in the spirit of bipartisan cooperation to craft legislation that provides for important patent reforms to help to ensure our nation's continued economic growth. The Administration strongly supports House passage of H.R. 3460 with the en banc manager's amendment.

Sincerely,

MICHAEL KANTOR.

My bill is supported by an exceptionally large and diverse coalition of small and large companies, independent inventors and associations representing every type of U.S. industry and inventor that utilizes the patent system. The coalition includes companies that are responsible for large numbers of high wage manufacturing jobs in America, such as Microsoft Corp., Digital Equipment Corp., IBM Corp., Intel Corp., Caterpillar, Inc., Ford Motor Co., General Electric Co., Illinois Tool Works, and Procter & Gamble Co. The Biotechnology Industry Organization with over 560 members, has expressed its full support for this legislation. The White House Conference on Small Business supports this legislation. Independent inventors such as the inventor of the quartz technology used in watches support this legislation. I can proudly say that after many hearings and negotiating sessions, it now has the full and unqualified support of an overwhelming number of American industries that utilize our patent system.

Title I modernizes the U.S. Patent and Trademark Office by establishing it as a wholly owned government corporation—a government agency with operating and financial flexibility that will enable it to improve the services it offers to the public. The Office will remain under the policy direction of the Secretary of Commerce, but will not be subject to micromanagement by Commerce Department bureaucrats.

Because the Patent and Trademark Office is funded completely by user fees, and not by tax dollars, it is one of the few government entities recommended by the National Academy for Public Administration to operate under structure and oversight commanded in the Government Corporation Act, rather than the structure followed by taxpayer-funded agencies. The bill has a variety of provisions in title I that will free the Patent and Trademark Office from the bureaucratic redtape that impedes the Office's efforts to modernize and streamline its operations. For example, the bill provides that the Office shall not be subject to any administratively or statutorily imposed limitation on the number of positions or employees. This will exempt the Office from ceilings on the number of full-time equivalent employees, giving the Office flexibility to hire the

number of employees it needs, based on its income from applications, to process the applications filed by and fully paid for by the users. The bill gives the Office greater flexibility with respect to management of its office space, procurement, and other matters. The users of the Patent and Trademark Office will be represented on a management advisory board that will advise the Director of the Patent and Trademark Office on the efficiency and effectiveness of the Office's operations. Making the Office accountable to its users through consultations with them is a significant step in improving its operations.

Title II improves the procedures for examining patent applications. It provides for the publication of most U.S.-origin applications 18 months after the date of application filing, unless a patent already has been granted by that time. It also requires publication of foreign-origin applications in the English language generally within 6 months after they are filed in the United States—a full 12 months earlier than under current law. Unlike the situation today, the owner of the patent application will have a provisional right to a royalty from other parties who use the invention after publication and before patent grant. Publication of new technologies eliminates duplication of effort and accelerates technology licensing. Early publication is accompanied by a guarantee that U.S. inventors, especially independent inventors and small businesses, can receive an indication of their likelihood of obtaining a patent before their application is published. They will then be able to make an informed decision regarding whether they should withdraw the application before publication. Title II also makes some other improvements including the rules for extending the term of a patent when delays occur that are not the fault of the applicant.

Title III creates a defense against infringement charges for parties who have independently developed and used technology in the United States before a patent application was filed on that technology by another party. This will protect the investments of innovative American manufacturers who have built plants using technology later patented by their foreign competitors.

Title IV protects inventors from the fraudulent practices of invention development firms by requiring disclosure of a firm's track record and allowing the inventor to withdraw from a contract with a developer within a reasonable time.

Title V makes improvements in the procedures for reexamining a patent in the Patent and Trademark Office after it has been granted by the Office. The refined reexamination procedures in the bill will give the public a fairer opportunity than is presently allowed to have the Office consider information missed by the examiner. The revised procedures will better balance the interests of the patentee and the public and offer an effective alternative to expensive litigation in court.

Title VI provides a number of other improvements in our patent laws. It ensures that U.S. law provides priority consistent with our obligations to WTO countries and authorizes submission of patent applications through electronic media.

I look forward to working with all interested parties as we prepare to move this important and necessary patent legislation through this Congress. The reforms contained in this bill are needed to make the patent system best serve the country now and into the next century.

INDIAN REGIME MUST FREE AMERICAN CITIZEN DHILLON

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. SOLOMON. Mr. Speaker, I rise today to ask when the Government of India will finally get around to letting American citizen Balbir Singh Dhillon come home to his family. He has been held since May on trumped-up charges.

Mr. Dhillon, a 43-year-old businessman and an American citizen, was arrested in May on charges that he was carrying RDX explosives with the intention of assassinating leaders of the Akali Dal, the Sikh, political party. The Human Rights Wing issued a report which proves these charges false. Yet the Indian regime continues to hold Mr. Dhillon anyway. On September 26, a bipartisan group of 36 Members of Congress also wrote to President Clinton urging his personal intervention to bring Mr. Dhillon back to the United States. The President wrote us back to assure us that Ambassador Frank Wisner has taken up his case with the regime. I am pleased that the administration is working on the case, but so far they have not gotten through to the Indian regime. Mr. Dhillon remains in the clutches of this brutal tyranny. While he is free on bail, he is not free to leave India.

Could the fact that Mr. Dhillon is a Sikh, a Khalistani American, be a factor in this case? The Indian regime has apparently decided to target Sikhs living outside of India or Khalistan. Dr. Gurmit Singh Aulakh, who is the president of the Council of Khalistan, was informed by the FBI that there is an assassination threat against him. His organization is leading the Sikh Nation's peaceful, democratic, nonviolent struggle to free Khalistan, the Sikh homeland. Khalistan declared its independence on October 7, 1987. Dr. Aulakh was also informed in a telephone call from Germany, where he will be visiting soon, that there is an assassination threat against him there also. Dr. Aulakh has been a valuable source of information for many of us in Congress. The civilized world will not accept this kind of outrageous effort to intimidate an articulate spokesman for his people's freedom.

In July, about 20 Indian Government agents severely beat Dr. Jagjit Singh Chohan, the leading Khalistani activist in Britain, when he requested emergency medical treatment for an acute heart condition. Dr. Chohan is a 68-year-old man whose right hand was amputated years ago. Clearly, the beating of Dr. Chohan and the continuing detention of Balbir Singh Dhillon are designed to send a message to any Sikhs who are thinking of getting involved in the struggle for freedom.

It is an outrage that this is allowed to happen to anyone, let alone an American citizen. It is time to take strong measures against the brutal, corrupt regime that is holding Mr. Dhillon. I would like to know why the American taxpayers are paying their hard-earned dollars to support a regime that can treat American citizens this way. What has happened to Mr. Dhillon and his family is a terrible thing. The fact that we are sending money to the regime that is responsible for it just makes it worse.

The time has come to take action. We should stop sending United States aid to India. India is a country which votes against us at the United Nations more often than all but a couple of countries. It was a close ally of the Soviet Union. It is leading the nuclear arms race in South Asia. Khalistan, on the other hand, has promised to sign a 100-year treaty of friendship with the United States. There is an old saying in politics: Join the side you're on. It is time for America to join the side we are on by taking these strong measures to secure freedom, dignity, and prosperity for all the peoples of South Asia.

THE 50TH ANNIVERSARY OF VETERANS OF FOREIGN WARS POST 8805

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. KLINK. Mr. Speaker, I rise today in order to commemorate the 50th anniversary of Veterans of Foreign Wars Post 8805 in Hopewell Township.

Named after Robert W. Young, the first Hopewell resident killed in duty during World War II. Young was killed when his ship, the USS Sims, was sunk by Japanese airplanes in the Battle of the Coral Sea on May 7, 1942.

VFW Post 8805 is currently home to over 600 veteran members and 280 ladies' auxiliary members. Many of these people are charter members of Post 8805. The first members were those returning from Europe and the Pacific and every other theater of World War II. From the beginning, VFW Post 8805 has been made up of citizen heroes, who left their homes and loved ones to undergo incredible hardships and sacrifices in defense of our freedoms. Fortunately, these people returned home to become some of the most outstanding members of the community. Contributing in peace as they had contributed in war.

A special salute to Ernest Parisi and Richard Paxton, two of the founding members of VFW Post 8805. Without their perseverance, the dream of Post 8805 would not have become a reality. They and all the members are a fine representation of the Fourth Congressional District.

Mr. Speaker, let us never forget the honor, courage, and valor displayed by all the memberS of the VFW. They have done a great service to our country. I ask you and all members to join me in a special salute to VFW Post 8805.

A TRIBUTE TO ALBERT TEGLIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. LANTOS. Mr. Speaker, today I rise to recognize the outstanding achievements of Albert Teglia, a man who has dedicated his life not only to public office, but to public service. His dedication and devotion to duty has