

American families. That bill was approved almost unanimously in a bipartisan vote in committee. We want to know why it was pulled from the floor and why it is not on the schedule next week.

So are we going to move to the budget? Law requires that we have a 15th of April deadline. What is the problem? And second, if that is not going to happen, we want to know why this mortgage interest bill was pulled.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I will try as a member of the Committee on Banking and Financial Services, and I participated in working on that bill which passed 36 to 1 that was sponsored by a very distinguished Republican Member from Utah and, in the other body, by a Republican Senator from New York, and it was aimed at protecting consumers.

The SPEAKER pro tempore. The time of the gentleman from Michigan [Mr. BONIOR] has expired.

#### REQUEST FOR LEGISLATIVE PROGRAM

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. FRANK of Massachusetts. Mr. Speaker, the point I would make is this:

My understanding is that the majority has pulled this bill because we voted for a States rights amendment. The gentlewoman from California offered an amendment to this bill in committee that said it would not override State protections, that the Federal protection would be in existence, the State protections, and apparently the majority does not think we should respect the rights of States in this case, and apparently this bill was pulled because we have taken a position respective of the rights of the States to set policy.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, the other point that I think should be made is this would save literally hundreds of dollars a year for people in this country.

Is there a response from Republican colleagues about why we are not going to do the budget next week or if we are going to do the budget next week? Anybody from their leadership want to participate in this discussion?

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 900

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 900.

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

There was no objection.

#### ADJOURNMENT TO MONDAY, APRIL 14, 1997

Mr. COBLE. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 2 p.m. on Monday next.

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

There was no objection.

#### HOUR OF MEETING ON TUESDAY, APRIL 15, 1997

Mr. COBLE. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday April 14, 1997, it adjourn to meet at 10:30 a.m. on Tuesday, April 15, for morning hour debates.

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

There was no objection.

#### DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. COBLE. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

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#### SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SMITH of Michigan). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### QUADRENNIAL DEFENSE REVIEW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Ms. HARMAN] is recognized for 5 minutes.

Ms. HARMAN. Mr. Speaker, I rise to express my concern that the Pentagon appears, once again, to be prepared to avoid tough decisions. The ongoing Quadrennial Defense Review due to Congress on May 15 is supposed to be an all-inclusive examination of our national security needs. It has been described that way by every Defense Department official who has testified this year before the National Security Committee, on which I serve.

Although Secretary Cohen's personal involvement in the QDR process is commendable, it now appears results may be a lot less than we expected. Some Department officials are apparently ready to delay critical decisions about the defense agency's infrastruc-

ture and Reserve components because, we are told, these questions require more study.

Yet, each of these areas is clearly in need of reform. Each offers the potential for substantial savings, each has already been studied in great detail over the past 2 years, and each is critical to how we structure our national security forces for the 21st century.

Mr. Speaker, the Pentagon has an opportunity now to provide more effective, less costly defense. That is right. Better defense for less money. But boldness and willingness to make tough decisions are required to do that. Delaying recommendations on the agencies, the infrastructure, and the Reserves is neither tough nor bold; it represents business as usual and is an indication that the Department will, once again, be hostage to parochial interests while the public pays more for unneeded capabilities.

Mr. Speaker, yesterday's forces will not win tomorrow's wars. And yesterday's funding may not be available either. DOD can and must do better.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. CHRISTENSEN] is recognized for 5 minutes.

[Mr. CHRISTENSEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. UPTON] is recognized for 5 minutes.

[Mr. UPTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

#### THE 18-MONTH PUBLICATION PROVISIONS CONTAINED IN H.R. 400

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. COBLE] is recognized for 5 minutes.

Mr. COBLE. Mr. Speaker, the Constitution charges Congress with the responsibility of creating an incentive for inventors to share their inventions with society by granting a monopoly for a limited amount of time in which the inventor alone can prosper from the success of the invention.

Why was this incentive necessary? Because the Founding Fathers knew that our country would not achieve progress in science and the useful arts without effective disclosure of the inventions of our citizens. This straightforward point, which is integral to the understanding and promoting the beneficial patent changes set forth in H.R. 400, is regrettably lost on some of the critics of the bill.

Disclosure through publication provides many benefits. It allows other inventors to discover what inventions have already been applied for and encourages them to invest their time and

efforts in other inventions which further benefit our country. It serves as a "Do Not Tread On Me" flag for the inventor who submitted the application, so that others know not to try to copy the invention or they will be found liable for infringement. It allows venture capitalists the opportunity to consider financing an invention which may lead to the financial success of the inventor, and it benefits society so that we can continue to move forward in science and technology instead of keeping cherished knowledge hidden below the surface.

What does an inventor get in exchange for publication? The inventor receives the constitutional monopoly over his or her invention granted by Congress and enforced through the courts. The entire patent system is based on bringing new inventions into the public light and avoiding secrets.

If an inventor chooses to keep his invention secret, he should not apply for a patent, because he is not willing to exchange disclosure of his invention for Federal protection. Instead, he may keep his invention as a trade secret, which is protected under the State trade secret and unfair competition laws. That is the deal. In order to get Federal patent protection, disclosure must occur. It occurs now when a patent is granted. Most are granted within 20 to 22 months.

Why disclosure at 18 months? There are several good reasons to publish patent applications in 18 months. First, with disclosure comes protection against infringement. Inventors will be protected earlier if patent applications are published at 18 months. Now, patents are published when they are granted. The term "patent pending" on an invention may serve to warn that protection will ensue when the patent for the invention is issued, but it does not provide true protection.

By publishing applications at 18 months, inventors are protected before their patent is issued and may enforce their patent rights from the publication date. Under current law, a small business or independent inventor could go bankrupt by investing everything it has in a project that another entity has claimed in an earlier, secret application.

Publishing in 18 months also prevents some applicants from gaming the current system to purposely delay their patent and keep their invention secret in violation of the constitutional exchange of disclosure for protection. These inventors want the best of both worlds. They want to keep their invention secret forever, like a trade secret, but still receive the Federal grant of a patent.

This was not the intention of the Founding Fathers and does not benefit society. These types of applicants are called submariners, and they are protected by the opponents of H.R. 400 which will be on the floor imminently, probably next week. They file submarine patents which destroy competi-

tion and stifle technological innovation.

Submariners purposely delay their applications and keep them hidden under the water until someone else, who has no way of knowing of the hidden application, invests in the research and development to produce a new consumer product only to have the submariner arise above the surface and sue them for their innovation. Submariners do not invest in the American economy, they do not hire American workers, they do not market their inventions, and they do not make money from selling their inventions.

There are more benefits as well, Mr. Speaker, to publication at 18 months. It would finally treat our patent applicants more fairly relative to foreign entities which apply for protection in the United States. Under current conditions, a U.S. inventor filing abroad has his or her application published at 18 months in the language of the host country. This means that foreign competitors may review, but not steal, the U.S. application.

Mr. Speaker, I urge all of my colleagues to examine H.R. 400 very carefully and very meticulously, and I appreciate the support of my colleagues.

One final point, Mr. Speaker. Those who oppose H.R. 400 are entitled to their convictions, misguided as they are. They are not, however, entitled to misrepresent the contents of my bill by lowering the level of discourse on this subject. Patent law is complex and arcane; it is not sexy and engaging when seriously discussed, especially on television. This would explain the current controversy surrounding the legislation. My patience has been tried in this regard, but I will resist the temptation to respond in like manner.

STATEMENT OF THE HONORABLE HOWARD COBLE, CHAIRMAN, SUBCOMMITTEE ON COURTS AND INTELLECTUAL PROPERTY, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES ON THE 18-MONTH PUBLICATION PROVISIONS CONTAINED IN H.R. 400

Article I, Section 8, clause 8 of the Constitution charges Congress with the responsibility of creating an incentive for inventors to share their inventions with society by granting a monopoly for a limited amount of time in which the inventor alone can prosper from the success of the invention. Why was this incentive necessary? Because the Founding Fathers knew that our country would not achieve progress in "Science and the Useful Arts" without effective disclosure of the inventions of our citizens.

Disclosure through publication provides many benefits. It allows other inventors to discover what inventions have already been applied for and encourages them to invest their time and efforts in other inventions which further benefit our country; it serves as a "Don't Tread On Me" flag for the inventor who submitted the application so that others know not to try to copy the invention or they will be found liable for infringement; it allows venture capitalists the opportunity to consider financing an invention which may lead to the financial success of the inventor; and it benefits society so that we can continue to move forward in science and technology instead of keeping cherished knowledge hidden below the surface.

What does an inventor get in exchange for publication? The inventor receives the Con-

stitutional monopoly over his or her invention granted by Congress and enforced through the courts. The entire patent system is based on bringing new inventions into the public light and avoiding secrets. If an inventor chooses to keep his invention secret, he should not apply for a patent because he is not willing to exchange disclosure of his invention for federal protection. Instead, he may keep his invention as a trade secret, which is protected under state trade secret and unfair competition laws. That's the deal—in order to get federal patent protection, disclosure must occur. It occurs now when a patent is granted. Most are granted within 20-22 months.

Why disclosure at 18 months? There are several good reasons to publish patent applications at 18 months. First, with disclosure comes protection against infringement. Inventors will be protected earlier if patent applications are published at 18 months. Right now patents are published when they are granted. The term "patent pending" on an invention may serve to warn that protection will ensue when the patent for the invention is issued, but it does not provide true protection. By publishing applications at 18 months, inventors are protected before their patent is issued, and may enforce their patent rights from the publication date. Under current law, a small business or independent inventor could go bankrupt by investing everything it has in a project that another entity has claimed in an earlier secret application.

Publishing at 18 months also prevents some applicants from gaming the current system to purposely delay their patent and keep their invention secret, in violation of the Constitutional exchange of disclosure for protection. These inventors want the best of both worlds. They want to keep their inventions secret forever, like a trade secret, but still receive the federal grant of a patent. This was not the intention of our Founding Fathers and does not benefit society. These types of applicants are called "Submariners." They file "Submarine Patents" which destroy competition and stifle technological innovation. Submariners purposely delay their applications and keep them "hidden under the water" until someone else, who has no way of knowing of the hidden application, invests in the research and development to produce a new consumer product, only to have the submarine rise above the surface and sue them for their innovation. One recent suit earned a Submariner \$450 million at the expense of consumers. Submariners do not invest in the American economy, they do not hire American workers, they do not market their invention and they do not make money from selling their invention. They have seemingly one purpose, and that is to make money by clogging the courts with litigation and suing those who do hire our workers and invest in our economy. They purposely file very broad applications and hope that another company or inventor will invest in technology similar to that contained in the patent application. Because there was no disclosure, the innocent company or inventor had no idea the technology was protected. Had the innocent company or investor known of the application, it could have invested elsewhere to contribute to consumers and society in a different way. When a Submariner hits "the jackpot," he sues as many parties as possible, hoping that his patent, which may have been pending secretly for years, will pay off in infringement actions. In many cases, a Submariner will sue parties he knows are not truly violating his patent in hopes of achieving a "nuisance" settlement. Unfortunately, this activity forces higher consumer costs and does not lead to American technological progress.

There are more benefits to publication at 18 months. It would finally treat our patent applicants more fairly relative to foreign entities which apply for protection in the United States. Under current conditions, a United States inventor filing abroad has his or her application published after 18 months in the language of the host country; this means that foreign competitors may review (but not steal) the U.S. application. Since our system lacks this feature, however, a foreign entity never reveals the subject of its application until the patent issues. Publication after 18 months in the United States will allow an American company to review foreign applications here in English. Under no circumstances does 18-month publication create newfound opportunity for an American or foreign competitor to steal the contents of a published application. Just as is the case when a patent is granted, any competitor who appropriates an invention after publication but before grant must pay damages to the patent applicant.

H.R. 400 provides for 18-month publication, but allows an inventor to avoid publication if it is unlikely he will receive a patent. Under the provisions of H.R. 400, any inventor who is applying for a patent exclusively in the United States has up to three months after an initial determination by the Patent and Trademark Office to decide whether or not he wishes to proceed. If the PTO determines that the applicant will not likely receive a patent, the applicant may withdraw his application and seek protection under trade secret and unfair competition laws. If the patent is likely to be issued and the applicant proceeds, it will be published and protected after 18 months.

H.R. 400 carries out Congress' special obligation under the Constitution to provide protection in exchange for disclosure and will serve to benefit America's inventors. H.R. 400 is necessary for the Progress of Science and the Useful Arts.

#### KASHMIRI PANDITS STRIVE TO RESUME PEACEFUL LIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise to bring to the attention of this body and the American people a terrible tragedy that recently occurred in India's State of Jammu and Kashmir. On March 21, in the village of Sangrampora, 15 unidentified terrorists rounded up eight members of the Kashmiri Pandit community and shot them outside their homes. Seven of the victims died. While the cold-blooded murder of innocent people is always shocking and horrifying, what makes this incident even more appalling is the indication that the victims were singled out simply because they were Hindus.

Mr. Speaker, for thousands of years Kashmir has been inhabited by Hindus known as Kashmiri Pandits. These original inhabitants of the Valley of Kashmir have lived peaceful lives in one of the most beautiful areas of the world. Sadly, the efforts of the Kashmiri Pandits to live their lives peacefully and constructively has been disrupted by militants armed and trained by outside forces intent on changing Kashmir from a secular, multireligious land into a fundamentalist state.

The effects of this proxy war, which the evidence strongly indicates is supported by Pakistan, have been the death of thousands of people, the devastation of the economy, and the creation of a huge refugee population. Virtually the entire population of 300,000 Kashmiri Pandits has been forced to leave their ancestral homes and property, living in refugee camps in various cities in India in subhuman conditions. Only 2,000 Kashmiri Pandits still remain in the Kashmir Valley, and they have been turned into refugees in their own country.

The current round of violence is not the first example of the victimization of the Kashmiri Pandits. For centuries, they have been subjected to the atrocities and subjugation committed by invading peoples. On October 22, 1947, 2 months after India became independent, Pakistan attacked Kashmir to annex it by force. Four days later, Maharajah Hari Singh, the ruler of Jammu and Kashmir, requested India's military assistance to save Kashmir from the Pakistani invaders and took the case to the United Nations, which called for a cease-fire, followed by complete withdrawal of Pakistani forces from the occupied area, as a precondition to a plebiscite under U.N. supervision. Sensing the anti-Pakistani mood of the Kashmiri people, Pakistan did not comply with the U.N. withdrawal condition. Instead, Pakistan made two more futile attempts in 1965 and 1971 to annex Kashmir by force.

Although Pakistan maintains that they are only providing moral and political support for the insurgency, evidence shows that Pakistan has been playing a direct role in arming and training the militants.

I have met with members of the Kashmiri-American community who have told me that Hindus and Muslims can and have lived in peace in Kashmir. The real tragedy is that outside influences are fueling religious rivalries and foreign policy agendas that pit Indian against Indian.

Mr. Speaker, as the cochairman of the Congressional Caucus on India, I believe that the United States and the international community must not allow the practice of ethnic or religious cleansing to continue. India has tried hard to help the Kashmiri Pandits. India deserves our support, both in assisting the refugees and in ending the proxy war being waged in Jammu and Kashmir.

Programs such as USAID, the Agency for International Development, could be one vehicle for the United States to provide more direct aid, humanitarian aid, I should say, for these displaced people. We should also use our considerable influence with Pakistan to urge that nation to cease support for the militants and to crack down on terrorists harbored within their borders.

I want to applaud India and Pakistan for trying to break decades of tension by having their foreign ministers meet in New Delhi recently. It has been the

highest level meeting between these south Asian neighbors in 7 years. The foreign minister's meeting, Mr. Speaker, actually took place yesterday. I hope this will be a sign of the relaxation of tensions that will benefit all the people of India and Pakistan. Especially with this new climate of cooperation, I think ultimately it will help the Kashmiri Pandits go back to their ancestral homeland and resume their peaceful lives, which is really all they want to do.

#### SPENT NUCLEAR FUEL POLICY

The SPEAKER pro tempore (Mr. STEARNS). Under a previous order of the House, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise today to talk about a serious environmental issue that has been developing in communities all across America. This pressing environmental issue is the Federal Government's lack of responsible spent nuclear fuel policy. Despite past promises and contracts, the administration is ignoring their responsibility to ensure the safe and timely disposal of spent nuclear fuel.

Let us talk a little bit about the background of this issue. Riding the crest of a new technology back in the 1950's, the Federal Government encouraged the Nation's utilities to use nuclear power as a generation source through the "Atoms for Peace Initiative." In return, the Federal Government promised to make use of utility spent nuclear fuel by reprocessing it for other uses.

In 1978, President Carter outlined the reprocessing of commercial spent nuclear fuel by the Federal Government due to concerns about proliferation.

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In 1982, Congress came up with a solution for the management of commercial spent fuel by enacting the Nuclear Waste Policy Act. Utilities operating nuclear power plants entered into contracts with the Department of Energy in which the agency promised to begin accepting spent fuel by January 31, 1998. In return, the Nation's customers for nuclear power would contribute to a trust fund to contribute to the disposal of that spent nuclear fuel.

To finance this project, the Federal Government has collected over \$11 billion in fees from nuclear power customers and has spent over \$5 billion. Rate-paying customers from my State of Minnesota have paid more than \$250 million to the Federal Government for the disposal of spent fuel. In 1987, Congress recognized that the Department of Energy was making slow progress toward a permanent repository, and amended the Nuclear Waste Policy Act to focus on studies for a single potential site.

Here we are, 15 years from the enactment of the 1982 Nuclear Waste Policy Act and 10 years after the act was