

Mr. Speaker, I rise to urge Mr. GINGRICH to consider his options and give them equal consideration as he decides how to reimburse this House and not be cowed or intimidated by any lynch mob out to obtain a result disproportionate to the transgression that the House found.

AMERICA'S PATENT SYSTEM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. ROHRBACHER] is recognized for 60 minutes as the designee of the majority leader.

Mr. ROHRBACHER. Mr. Speaker, yesterday was the birthday of Thomas Jefferson. Thomas Jefferson, author of the Declaration of Independence, is a revered Founding Father of our Nation, the man who stood more than any of our other Founding Fathers for liberty and independence, the author of the Declaration of Independence.

Thomas Jefferson, I might add, did not stand just for liberty and freedom and democracy, he also stood for technology. Many times, people have forgotten this aspect of Thomas Jefferson, but Thomas Jefferson's commitment, his dedication to the concept of America being a new kind of society where people would be free to grow and to expand and to live decent lives and to have opportunity that was unknown throughout the world at the time of Thomas Jefferson, his dedication has been imprinted onto American law in ways that most Americans do not even remember or reflect upon as we enjoy this freedom and this great standard of living that we have as Americans.

Thomas Jefferson was a technologist as well as a democrat, small-D democrat. Thomas Jefferson, when he retired from his political life, went home to invent gadgets and devices and machines around Monticello, which can be seen even today as visitors visit Monticello. So today it is fitting that we begin this week, the Thomas Jefferson week in the House of Representatives, recognizing that on Thursday of this week, there will be a vote on the floor of the House of Representatives, this body, that will make the difference as to whether America remains the technological leader of the world or whether we will gut our patent system and open up this country to the greatest theft of its genius and creativity that the world has ever seen.

Yes, on Thursday, there will be a vote that will make the difference in the standard of living of future generations of Americans and not only our economic well-being but the security of our country as well. What is fascinating is that most Americans have no idea that this issue is coming to a vote. In fact, half or more of the Members of Congress do not know the issue will be coming to a vote. Yet it will come to a vote, the skids have been greased, the legislation is coming forward, and it will be voted on on Thursday whether

or not the Members are fully aware of how their constituents believe. But what they will be aware of is the lobbyists for multinational corporations who are knocking on their door telling them how important it is to pass said legislation on America's patent system.

How fitting for Jefferson's week that we will be at a turning point because, if we vote the wrong way, if we permit the gutting of our patent system, America's technological lead will evaporate in the next 20 years; and Americans 20 years hence, the children of today, will never know what happened to their standard of living.

I call it Pearl Harbor in slow motion. What will happen is that foreigners who have long looked at America's technological genius with envious eyes will at last have the legal opportunity to steal American technology and to use it against us because we are changing the patent system that has protected Americans for over 200 years in a way that guts the protection of the little guy, the little guys like Thomas Edison, like Alexander Graham Bell, like the Wright Brothers.

The word has not gotten out because there is a blackout in the mainstream media that this bill will be coming forward. In fact, there was one article in the New York Times, and that is all I have seen among the networks and among the major newspapers of this country, one small article and no articles leading up to this great momentous decision that will be made.

Someone does not want the public to know the decision that will be made here on Thursday. The American people would be left totally in the dark if it was not for talk show radio hosts like Michael Reagan and others who have been spreading the word and warning the people, like modern-day Paul Reveres, telling the American people to wake up or they will lose their freedom.

We will be making this decision on Thursday. If the American people remain in the dark, a decision will be made that will harm their children. As I say, their children will think, did we not used to have the technological lead? Were we not always the leaders? Did we not put a man on the moon? Were we not the ones, why was it that our fathers and grandfathers could outcompete all these countries with cheap labor and now we cannot do it anymore?

They will never know. It will never be traced back to a vote here on the floor of the House of Representatives on the week that we celebrate Thomas Jefferson's birthday in the year 1997. They will not even think about it because patent law and many of the laws that protect our rights and have been responsible for this great land of liberty and opportunity that we enjoy today, many of those laws are taken for granted. Freedom, people have said, is like the air; you take it for granted until it is denied. The moment you are

denied the right to breathe air, you will realize that breathing air is the most important thing in your life because everything else disappears without it. But yet we take it for granted because it is abundant and all around us.

So, too, with America's freedom, so, too, with the legal protections that have permitted the people of the United States by and large, millions of us, tens of millions, hundreds of millions of us to live lives of dignity and opportunity, lives that are the dream of people throughout the planet and over the ages.

Yet that will be threatened because the legal basis that protected America's rights is being eroded, the legal basis is being eroded. It is being eroded bit by bit by people who have good motives. They say that we live in a world that is far different than the world of Thomas Jefferson, far different than the world of Teddy Roosevelt, far different than the world of Dwight Eisenhower and Ronald Reagan.

□ 1415

They say now we live in a world where we have to accommodate the changes by creating a global economy. These individuals, who are very well-intended, believe that by creating a global economy that we can perfect the planet, or at least near perfect the planet.

I say to my fellow Americans today and my colleagues in the House of Representatives, "Lord, protect us from those who would perfect mankind." Because, in the end, they always threaten the rights and freedoms of the American people.

I do not care if they were Communists, I do not care if they were Fascists, I do not care who they are or what they are, if they will superimpose an ideal world upon the American people with no reflection on our constitutional rights, we will see a diminishing of our rights and we will see a decline in our standard of living.

Mr. Speaker, the vote that is coming up on Thursday will be a vote on H.R. 400, which has already passed committee, both the subcommittee and the committee. Yet the American people have no idea that this great gutting of our patent system is on the way to the floor and what repercussions it will have on the standard of living of the American people, of their children and their children's children.

I have a piece of legislation that will be granted the right to be offered as a substitute to H.R. 400. I call H.R. 400 the Steal American Technology Act. My bill, H.R. 811, and its companion bill, 812, will be offered as a substitute to H.R. 400.

The issues are clear and simple. However, the American people have been denied the right to hear those issues. They have been denied the right to a public debate by a media elite that has put a blanket over this issue.

Perhaps the media believes that patriotism and loyalty to one's country

and fellow countrymen is old-fashioned. Perhaps they believe that it will hinder the development of a global economy, which will benefit all the people in the world. I do not know what the motive is, but I will say this much; that this is a crucial vote in our history, and unless the American people become part of the process and contact their Representative in Washington, DC, this vote will be lost and the American people will never know what hit them.

Here are the central issues. When we ask our colleagues why they support H.R. 400, they will say that there are numerous reasons they support H.R. 400. H.R. 400 officially is called the 21st Century Patent Reform Act. The 21st Century Patent Reform Act. That is what they will say; that there are lots of reforms.

It is like a bouquet of flowers that is being handed to the American people: Look at all of these reforms. And I will have to admit when I look at the flowers in the bouquet I am very supportive. In fact, my alternative substitute for H.R. 400 will contain all the flowers that are in H.R. 400. We have taken from the bill all of the good points of that bill, and that is all the authors want to talk about.

That was not the original title of H.R. 400. I call H.R. 400 the Steal American Technologies Act, but that is my title. The title they are going by now officially is the 21st Century Patent Reform Act. What was the original title of H.R. 400 when it was introduced over a year ago in the House of Representatives? The title then was the Patent Publication Act.

Well, why have they changed the name? Why has the name changed? The name has changed because in those flowers that I talked about in the bouquet are poisonous snakes. Poisonous snakes. If we only look at the flowers and we take the bouquet home, the snakes will bite our family and children and will destroy us. And the worst of all of the snakes is a snake called publication, which is the central purpose of the bill. That is why H.R. 400 was called formerly the Patent Publication Act, because the purpose of the bill is to establish a rule about publication.

For those who have not heard what this rule is, it is dramatic, it is repulsive, it is something that will shock one's sensitivities, because no one will believe that serious people are proposing that this become the law of the land in the United States of America.

What I am talking about is the main provision of H.R. 400, the provision that mandates that every American inventor who applies for a patent, that after 18 months that patent application will be published for the entire world to see whether or not the patent has been issued.

To tell my colleagues how different this is, from the founding of our country and the Constitution of the United States, from the moment that was af-

firmed and made the law of the land until today, Americans have had a right of confidentiality. An American inventor who applied for a patent would know that until that patent was issued no one else could know about what his application dealt with. No one would be given the details. He and his investors, he or she and their investors would be protected from their competition and from thieves.

H.R. 400 dramatically changes the fundamental law of the land to permit every thief in the world, every copycat, every individual and organization that despises the United States of America to have possession of every one of our intellectual and technological secrets so that they may use those secrets and that technology against the interests of the people of the United States of America.

There are all kinds of reasons that we will hear from the proponents of this bill as to why it is so important for our big businesses, our big businesses, to have knowledge of what is being investigated and researched by different inventors and that will give them a heads-up on what our inventors are up to.

Yes, that will give our own businessmen a heads-up, and then those huge corporations can steal from the little guy as well, just like multinational corporations. More importantly, it will permit multinational and foreign corporations to have that same information to go into production and to use the profits from producing their stolen technology to defeat and destroy American technologists in the court, using our own resources against us.

Now, why are people doing this? Again, they will say they have some sort of motive that makes sense, and sometimes it is hard to understand, but let me show everyone the real reason. What we have here, my fellow colleagues, people of the United States, and I will put this into the RECORD for another time, this is a copy of an agreement that was signed on January 20, 1994. The signatories are the head of the United States Patent Office, Bruce Lehman, and his Japanese counterpart. This is an agreement by the head of our Patent Office to harmonize American law with that of Japan's. That is the real purpose behind this legislation.

Why do we want to change our patent law so that it discloses all of this secret information, all of our technological secrets to our adversaries? Because we have an agreement to harmonize our law. Did anyone ever pass on that agreement? Did someone acknowledge this agreement on the floor of the House or the U.S. Senate? Absolutely not. But then we turn around and we have people trying to put this into law without telling us what it is really all about. Bruce Lehman had no power to make this agreement, but we can be tricked into fulfilling the obligations set out by this unelected official from the United States.

To put things into perspective, harmonization of law with Japan may be a good thing, if they are bringing their standards up to ours. But Bruce Lehman, as is clear by this document, has set out, along with his supporters in the administration and in the corporate community, to bring down the protections of American law to the level of Japan. That is harmonization. That, ladies and gentlemen, is a formula for catastrophe and disaster for the people of the United States of America. That is a formula that will permit the economic shoguns and the tyrants who rule the Japanese economy and brutally suppress anyone who threatens their interests, it will permit those power elites in Japan, who have beaten down their own people, to come to the United States and beat down our people because now we have changed our legal protections to harmonize with Japan's.

Why should they not come here and steal our technology? Why should they not try to beat us down and destroy the standard of living of the American people in order to put cash in their own pockets? Why should they not when the American Congress is willing to change the law to permit them to do it?

It is not shame on the Japanese. The Japanese Government is simply watching out for the interests of Japanese people and the special interests who hold power in Japan. It is not shame on Japan. It is shame on those people who would decrease the legal protection of the people of the United States in order to harmonize our law; those people who would risk our standard of living and the technological advances that have kept us the envy of the world, who now have a global picture in mind and think that having the American people, a people guaranteed certain rights and freedoms and opportunities that do not exist in other parts of the planet, that that has become some sort of *passe* goal for American leaders.

If it was not for the United States of America, there would be no freedom and no hope anywhere in the world. Yes, I think it is nice that we should try to help others and we should try to help establish situations where trade and commerce flourish. I believe in free trade. But I believe in free trade between free people. I believe first and foremost, when our negotiators sit down at the table they should not be thinking about some idealistic goal that is a dream goal of a unitary planet where commerce is flowing freely and that everyone is benefitted, but when they sit down at the table they should be representing the interests of the people of the United States.

There is nothing wrong with that. We should make no apologies for that. The American people have borne the burden of war and borne the burden of aid to other countries. We have been the most generous people in the world, but we should not be generous with our technology and permit others to steal it in order to use it against us.

Yes, there will be a price to pay. Not only our economic adversaries will be stealing this technology, but so will potential foreign policy and military adversaries. The Americans won the cold war not because we matched the potential Communist enemy man-for-man. It was when Ronald Reagan expanded the technological capabilities of our military that broke the will of the Communist bosses in Moscow and led to a more peaceful world.

Today we have a great opportunity to lead mankind into a more peaceful world, but we will not do it by lowering the protections that have afforded Americans the highest standard of living and the rights of opportunity and freedom that were unknown in other parts.

Yes, the Chinese, not just the Japanese, and other American competitors are ready and waiting with their Xerox machines and their fax machines for this Congress to pass this rule that will mandate every one of our technological secrets to become public information even before the patent is issued.

We are told, well, we are giving the right of people to sue some corporate entity if the corporate entity steals their patent after it has been published after 18 months. To put this in perspective, often it takes years for a patent of significance to issue, sometimes 5 and 10 years. Thus, we are saying to our people we are going to expose all of your secret information, all the work that you have done to your adversaries, who can then use it, and then once the patent is issued, let us say 5 or 10 years later, after they have been in production of your idea, of your technology, we are giving you the right to sue them.

This is asking smaller American companies or even individual Americans to sue huge U.S., huge foreign, and multinational corporations. Talk about a fantasy. This is an absolute fantasy that that means anything. That has absolutely no relevance. It is setting up a situation where there will be theft and no recourse because the Americans will not have the money to go out and file these suits against huge foreign corporations, especially if those huge corporations happen to be the People's Liberation Army of China, which is currently stealing much of our intellectual property.

□ 1430

Let us put this in perspective as well. The Wright brothers, people who we are so proud of. We are proud of the Wright brothers. Go down to Kitty Hawk, NC, and see where two Americans, with little education, who worked at a bicycle shop, had a dream, had a dream of inventing a machine that would permit mankind to soar through the air. And people all over the world who had tried before them failed, yet they persevered, and they tried and they failed and they came back to try again. And there on the windy slopes on the coastline of Kitty Hawk, NC, in

1903, less than 100 years ago, mankind ascended into the sky with powered flight for the first time, and the lives of the American people and the people of the world were changed forever, because they had discovered the secret of the shape of the wing and the aerodynamics of an airplane. And under the new system that is being decided on Thursday, if it passes, the Wright brothers' secret would be made public for everyone in the world to know the secret before the patent was issued, and you can bet that Mitsubishi Corp. in Japan, which made airplanes during World War II to shoot down Americans and destroy Americans, that that corporation would have used the Wright brothers' patent information to build aircraft, and today the American people would say, well, I wonder why Japan is always ahead of us. How come they are always ahead of us? Like for example, how come we have to buy all of our jet airplanes from Japan? They would never know that if it was not for this type of legislation that America would have a strong aerospace industry, that we would have hundreds of thousands of jobs, high-paying, good jobs, manufacturing jet aircraft, except for the fact that we changed the law and the Japanese were able to steal the technology and go into production. Yes, that is how much difference it will make in the future for America, but they will never know what hit them.

This law, H.R. 400, is the worst piece of legislation that I have seen as a Member of Congress. It is also perhaps the piece of legislation that has been attempted to be passed through this body in the most insidious manner that I have seen during my time in Congress. This agreement with the Japanese in 1994 has two main provisions. One we are talking, is the publication, and the other one happens to be the changing of another fundamental in our patent system called the guaranteed patent term.

Americans do not even know this. But right now they have already lost that right. Up until 3 years ago, until from the time of the founding of our country, that any inventor in the United States had a right to a guaranteed patent term. That patent term would be the same no matter how long it took the patent to be issued from the bureaucracy, from the Patent Office. Well, that was what our Founding Fathers had in mind, because no matter how long it took that patent to issue after someone applied for a patent, he had, or she had, 17 years of guaranteed protection. That is called the guaranteed patent term. You would have a guaranteed term of 17 years. Again to model the Japanese system, that was replaced 3 years ago. The American people do not even know they have lost that right and it has been replaced by a system that is the Japanese system. The Japanese system, by the way, is when someone applies for a patent, the clock starts ticking, but it is ticking against the inventor and 20 years later

you have no more patent rights. And during that 20 years, if the bureaucracy is slow or you have powerful interests trying to slow up the issuance of your patent, you are losing every second. That is why in Japan they never invent anything, because in reality the inventors do not have a guaranteed patent term. They have something that is uncertain and people do not invest in new technology, they invest in stealing other people's ideas.

We have already changed that. That change was made not by an up-and-down vote here on the floor of the House, that change was made when some bright person, and I do not know who that person was, decided to get around the democratic process in the United States, meaning let us not let the elected representatives of the people of the United States vote on this fundamental change in our patent law. Instead, this provision was stuck into the GATT implementation legislation. GATT was an agreement on trade and tariffs between a multitude of countries around the world. We gave our President fast-track authority which permitted him to make the agreement and then when he brought it back to the House floor, that we would have 50 days to look at it but only those things that were required by GATT were supposed to be in that legislation. This was not required by GATT. This change in our patent law was not required by GATT. Yet it was put into the GATT implementation legislation. Why was that? Because some bright person, I do not know who it was, decided that bypassing the democratic process where we would get an up-and-down vote on this did not make any difference. So Members of Congress were faced with voting against the entire world trading system or accepting this change in the patent law, and what was the purpose of that, what I consider to be an underhanded maneuver? It was to fulfill our agreement, an agreement made between two unelected officials, but especially the official representing us was unelected, in Japan. If we let unelected officials go to Japan and let them bargain away our rights as Americans and then come back here and sneak the provisions of those agreements into other pieces of legislation, our standard of living and our freedom are in jeopardy. That is why I am making such a big deal about this vote that is coming up on Thursday. It is a threat to our national security. It is a threat to the well-being of average Americans. There has never been a vote in this body that I have seen in my 8 years as a Member of the House that is more of a little guy versus big guy vote. In fact, there is bipartisan support of H.R. 400, the Steal American Technologies Act, but there is also bipartisan support for my substitute, the Rohrabacher substitute, H.R. 811 and 812. DAVID BONIOR, MARCY KAPTUR, CYNTHIA MCKINNEY, you name it, we have got some very strong, active, liberal Democrats and we have got some

conservative, active Republicans, but it all comes down to the little guy versus the big guy. Our corporate interests in the United States of America, the big corporations, have decided that they would be cutting deals with their multinational brothers and sisters, and the foreign corporations have decided it is time to end America's patent system as it has been since the founding of our country, and we are in the process of seeing that go down if H.R. 400 passes.

I have told you the main aspect of H.R. 400 has been publication. But there are other aspects of H.R. 400 which I call other poisonous snakes in the bouquet. And when you ask someone about H.R. 400 and they say they are in favor of H.R. 400 and then want to talk about the little flowers, tell them you do not want to talk about the flowers, you want to talk about the poisonous snakes. Everybody is in favor of the flowers. And the first poisonous snake is the publication, mandatory publication. Is someone in favor of publishing for the world all of our secrets?

That is No. 1. But the second item, the second poisonous snake, it is called reexamination.

When our patents are issued to Americans, those patents are your property. You then own a piece of property for a given period of time. It is like someone giving you a deed. There has only been one way to challenge that deed, and that is if someone can prove that that person actually invented the invention first and that the Patent Office was wrong, that they invented it first. But H.R. 400, on the other hand, does what? H.R. 400 opens up for reexamination America's current patents, so not only are they putting in jeopardy all of our future technology, they are also putting at risk all of our current technology that is patented. William Banner, former U.S. Commissioner of Patents and Trademarks, calls attention to the fact in this bill in terms of publishing patent applications, and it will permit those applications to be subject to reexamination prior to any patent issuance as well as after the issuance. So what we have got here is the experts now are telling us, this bill permits reexamination of current patents and examination of those patents that are in the process, reexamination within the process.

What we have got is a lawyers heaven. We have opened up for litigation. All of our patent rights are now on the legal block. You can bet that when a foreign company decides that they want to use American technology, and it has been patented already, that company is going to say, well, should we sue this American company and tie them up or should we just pay them royalties? They are not going to go for the royalties. They are going to say, let us tie them up, let us put them through the grinder and if this company does not have the money or if this small group of American inventors do

not have the money to basically protect themselves in court, then the foreign corporation will win. That is on current patents. That is currently the patents that exist.

This bill, H.R. 400, is an invitation to every thief in the world, every powerful interest in the world to come and take on the American people and to steal our technology. People say, well, how can anybody support this? Well, this same gentleman who signed this agreement is still the head of our Patent Office, Bruce Lehman. Last year he proposed, guess what? Mr. Lehman proposed last year that we give the entire data base of our Patent Office, that we put it on disks, on these computer disks, the entire data base for our Patent Office and give it to the Red Chinese. I know there are some people right now just falling out of their seats and they cannot believe that anyone would ever do that. When he was asked, why would we ever want to do that, his answer was, "Well, we've got to tell them what not to steal, and we can give a little message, here's what not to steal." Well, that is very close to sending the world's worst crime syndicates the combinations of every safe in the United States of America and say, By the way, we would hope that you don't steal and use these combinations to the safes in the United States of America to steal American money.

We are sending you this so you will know what not to do. Give me a break. What is going on here? Something is going on here. It is called the harmonization of law that has nothing to do with the best interests of the people of the United States.

Something else, another poisonous snake in H.R. 400, the bill that will be voted here on Thursday, celebrating Jefferson's birthday, the birthday week of Thomas Jefferson, we will vote, and a poisonous snake in the bouquet of H.R. 400, another one, is that the Patent Office that is written into our Constitution, in our Constitution is written a provision that establishes a Patent Office. We can thank Tom Jefferson, we can thank Ben Franklin, we can thank our forefathers and mothers who saw well beyond the years of 1789 and knew that this would be important to our country, that we would actually establish in our Government a means of protecting the new genius of our people and that people would come from all over the world to participate in this, the American dream. But do you know what H.R. 400 does to the Patent Office? It obliterates the Patent Office. It eliminates the Patent Office as part of the U.S. Government. It corporatizes the Patent Office. Corporatizes. What does that mean? Well, I am not sure exactly what it means. It turns the Patent Office, which has been part of our Government, into sort of a quasi-private, quasi-government corporation that is sort of like the Post Office. To put it in perspective, our Patent Office has functioned for over 200 years and there has

never been a scandal in which the patent examiners, the men and women who make the decision as to who owns these technologies, decisions that are worth billions of dollars, decisions that will mean whether or not we will have a high standard of living, whether or not the flow of wealth will come in the direction of the United States, or will pour out of the United States into other countries and into the coffers and bank accounts of other interests in the world, these patent examiners have never, ever had a scandal in which their veracity and their integrity was called and that they had failed us as Americans.

□ 1425

They have always worked hard and diligently, and it is a tough job. Now these people who have been protected as civil servants from outside influences because they were part of the U.S. Government, these civil servants, who we can thank for doing a good job, are now going to be put under a new structure that will not be part of the U.S. Government officially, but instead will be a corporatized entity, a corporatized entity.

Now what kind of influences will be put on people who work for a new corporatized entity? Will they be protected from the outside?

Well, for one thing, the patent bill suggests that this new corporate entity, this H.R. 400, says that it may, if you want to listen to this, that H.R. 400 says that this new corporate entity "may accept monetary gifts or donations of services or of real personal and mixed property in order to carry out the function of the office." In other words, this new corporate entity will be able to receive gifts from big foreign corporations or special interests from here and abroad.

Do you think that would have some impact on the way we do business, in the way that people make decisions as to who owns what property and what patents are issued? Well, it might, it might not, but we are opening the door. This is not a door that we want to open to poisonous snakes.

And then, of course, the opposition says, well, Government agencies, Government agencies, can already accept gifts. Well, that is true. That is true, and you will hear that rebuttal from the proponents from most people who are supporting H.R. 400.

My colleagues, when you hear that rebuttal, keep in mind that that is half the story. The other half of the story, when you can accept gifts, is that what can you do with those gifts?

Currently anybody who gives a gift to a Government agency or department, well, those gifts now basically have to go through the Federal property and administrative services, and they basically, what you have got to do, other people, other Government agencies who are set up to handle these gifts, determine what happens to the gifts, and they basically go, and they

become Federal property for the over-all Federal Government.

What we are doing with this legislation is exempting this new corporatized Patent Office from that requirement. Thus, they will be able to accept gifts and use it for the Patent Office as determined by the directors of the Patent Office. Do you think that will influence anybody?

So anybody who says do not worry about it, every Government agency has this same type of right to accept gifts, remember that person is trying to deceive you because they know darn well that currently those gifts and the gifts of other agencies are well controlled by the Federal Government, and their insurance is to make sure that does not influence those decision makers in those departments and agencies and that this new corporate entity is exempt, exempt from that type of safeguard.

Also, I might add that the new corporate entity has a right to borrow money on the U.S. taxpayers. That is correct. This new corporation, this new corporation that will come into existence, the patent corporation, who will be deciding on our future rights as Americans, have a right to borrow money and to issue bonds. H.R. 400 transforms an agency now fully funded by user fees to one that can borrow and incur debt.

Last year Patent Commissioner Bruce Lehman stated that he would seek—now get this—Bruce Lehman has already stated for the record that he would seek to borrow \$2 billion, citing priorities like a new headquarters for the corporate structure; \$2 billion added to our national debt. That debt is our debt. That debt, if this new corporation does not pay it back, becomes the responsibility of the American taxpayers.

Oh, my gosh. Oh, my gosh. Can you imagine? We have got a corporate entity out there, somewhat independent, who now can borrow against, and we are responsible to pay it back. We got somebody who believes they are going to build, they are going to spend billions of dollars on new offices, and you can bet when this Mr. Lehman buys his office that he is going to want it to be pretty plush, and I have not seen the plan, but I bet you there will be more marble in this new patent building, especially on his floor that he has for his offices, than one can ever imagine, and I am sure there will be lots of gold trim, too, because why not? They are going to borrow from the taxpayers, and we have got a limited right to step in and make sure that we have oversight, they have limited oversight, as compared to today where we have just the same oversight as any other Government agency.

So, we have this decision coming up on Thursday. We have all of these poisonous snakes about to be unleashed on the American people. The seed corn of American prosperity is about to be given away because that is the seed

corn of America's crops in the future, that is our ideas in this era of ideas, and we have got the mainstream media with a total blackout, almost a total blackout on this issue, we have got talk show hosts all over the country talking about it because they have been informed, and they are running with it and going directly to the American people.

How will the vote turn out? How will the vote turn out? It could go in either direction. Something as important to the future of our country, to the well-being of our children, something that goes to the heart of our system, is going to be decided, and it can go either way, and you have got people here who delightfully will say the biggest employer in my district wants me to support this bill and that is what I am going to do, and that is what a lot of Congressmen are basing their opinion on, the largest employer in their district.

So let us talk about the dynamics of why we have ads being placed in the Roll Call magazine by America's largest corporations trying to foist off on the American people this gutting of America's patent system. Why is that? What are the dynamics involved?

Well, first and foremost I believe that our own multinational and domestic corporations who sometimes have interlocking directorates with other corporations from other countries, I might add, first and foremost they do not want to pay royalties to inventors either. So they would just as soon wipe out what they consider an antiquated protection of American technologies because it is just too much. Of course, these same corporations would invest in Adolf Hitler's Germany in order to make a 20-percent profit, just like they are investing all of the money now in Communist China in order to make a 20-percent profit rather than creating jobs in the United States of America for American workers because they would rather do that even though it is a dictatorship than to invest over here because over here their return of their investment is maybe 10 percent a year, and over there it might be 20 or 25 percent.

Well, that is one reason. They want to make more money, they do not want to pay royalties, and they do not care about the people of the United States, and they especially do not care about these little nerd inventors, which is what they think of inventors.

Well, another reason huge corporations get together and put ads in Roll Call, and I might add huge corporations, foreign and domestic, hire lobbyists, an army of lobbyists, to knock on the doors of each and every Member of Congress to try to get them to vote in this way is because they like the status quo, they like the status quo, and there is nothing that distorts the status quo as much as someone coming up with a new technological innovation. And they want to control, they want to control growth and progress in the United

States, so that their investment in all of this new equipment and all of their corporate structures that are based on current technology, they do not want to put that technology at risk. They would rather us stay exactly the way we are because then their capital investment does not have to be remade. But these small inventors who come up—you know some guy who comes up; by the way, I have got an invention that can do that very same thing and will only cost a dollar as compared to \$200 that you are charging for what you do currently. Do you think a corporate leader wants to hear that? They do not want to hear that. They want that guy to go away. They do not want the American people to have a cheaper widget. They do not have a cheaper refrigeration system. They do not want to have something that develops that makes our life better, but we do not have to pay as much money to some big corporation for making it for us.

The fact is that the corporate leaders today are not the innovators of the world, they are not the people, the Alexander Graham Bells; they are not the Thomas Edisons. They are people who got educations in corporate management at big elitist schools, and they do not care about the people of the United States, and they do not want their elite position challenged. They want to control what happens in our country for their benefit, and they do not want new innovations coming out that could so stir up things that it makes their current investments meaningless.

That is a big motive for what is going on right now with H.R. 400. That is one of the reasons that we have H.R. 400 before us today, because there are powerful interests who do not—do not respect the will, nor do they consider themselves to be Americans and watching out for the interest of Americans. They are watching out for their bank account. And what effect will this have if we let those people, those elitists move forward? How will it impact us? How will it impact the average American?

I have had calls from all over the United States, all over the United States from inventors and from small companies, small businesses who are trying to develop new things. Just last night I was talking to a person who owns a small company in my own congressional district, and they told me, and I will not go into great detail about it, but about a process that will absolutely prevent, and I should not say "absolutely" so often that will prevent meat from being contaminated, and when it is contaminated, it will alert the consumer so that never again will we have to worry about getting bad meat and different bacteria in the meat, and it would be very low cost, and it will just spread across America, and it is a marvelous idea, and do you know that he has been waiting for his patent for over 2 years, and if this system was in place, the system they are trying to foist on us, his information

that he used to—he used, you know, hundreds of thousands of dollars in time and investment to develop this new technology. It would have been published, all of his people all over the world would already have known about it, his competitors, and he would never ever get any return on it. So why should he even try in the first place? That system would never emerge because no one would have the profit motive to come up to try to invent it.

Then of course we have got letters from a person who is trying to act like—talk to this person as well who has developed a way of debugging not only buildings, but crop land without the use of chemicals. We are poisoning our homes and poisoning our environment and poisoning our land in order to get rid of bugs that are eating our crops. This person has a new technology that will eliminate these bugs, kill them without the use of poisons, without the use of chemicals. Yet he says to me, "I'm afraid to write up a patent application because if it takes 15 years or 5 years or 10 years for me to get my patent issued, all of the foreigners will steal my idea, and I'll never get any benefit from it."

Someone wrote me and said "I need a new system to try to detect breast cancer."

Now these are things we do not think of, breast cancer, or meat spoilage, bugs that are being killed. These are little things that just slip by, but they make all the difference in the world to what our standard of living is, what kind of land that we will be in, whether or not we will—all of our food will be eaten by bugs or rodents or things like that, or we have to poison ourselves with chemicals to get rid of that problem.

□ 1500

These problems can be solved if we keep the door of technological progress open. This will slam the door in the face of these people. They know it. They are writing and calling every day saying, I cannot see a future and I will never move forward with my invention if these laws are in place.

The American people will suffer, and they will never know what hit them. They will never know that there was equipment to debug their homes without chemicals. They will never know about it in the future. Their children will be sick and their grandparents will be sick from the fumes, and our food will have the chemicals in it. They will never know there was an alternative, because the inventors could not apply for a patent without the worry of having it stolen from them.

Mr. Speaker, I had a man in my office when this was going to the committee, he ran a small solar energy company. And as I told him what was going on, his face became red and he was pounding on the table. He said, Mr. Congressman, if that bill passes, I have put millions of dollars in trying to invent this method of improving the

amount of electricity that comes out of solar energy. If they publish my patent, the Japanese will be in production of what I have invested my whole life in; they will be in production and they will be using the money that they are making from my technology to steal my technology from me legally in the court system once my patent is issued.

Mr. Speaker, this is wrong. This is wrong. It is going to hurt America. It is coming to a vote, and it is sliding right through the process. H.R. 400 will come to a floor vote on Thursday. There is an army of lobbyists contacting Members of Congress, paid for by multinational corporations and by huge American corporations.

Members of Congress need to talk to their constituents and the constituents need to talk to their Member of Congress. That is the way America will be saved. That is the way America has always been saved, not by some top dog somewhere making some decision.

During the American Revolution when Thomas Jefferson was writing the Declaration of Independence, a third of the colonists were supporting the British. They were basically people who were of the elite classes. Throughout our history, when American freedom was in jeopardy, it was the American people themselves and not our corporate elite and not our business executives, and not the big, important, handsome, and beautiful people that stepped forward. But it was those average Americans, average you and me type people, who saved the day, who charged up San Juan Hill with Teddy Roosevelt, who fought with the 69th Regiment, the Irish Regiment at Gettysburg, who fought the American Revolution, and afterwards saw that they did not get anything from it, and those same Tories came back who had supported the British and made all kinds of money by speculating on currency, on continental currency.

But I believe in the American people. I know that they will meet the challenges. They will keep our country free. When we celebrate Thomas Jefferson's birthday, and his birthday week, we will hold that torch high, because that is our job. It is not the job of Government. It is not the job of the other guy. It is the job of every human being who believes in liberty and believes our country must maintain the standards of justice and decency and the legal protection of individual rights far beyond those of any other country on this planet. Of that we can be proud.

Mr. Speaker, as long as we have that kind of commitment, America will remain that dream, that hope for all mankind. And we will lead the rest of the world into a new era when other people do have more opportunities, because we will maintain our standards, rather than trying to bring our standards down to those of other countries.

I am confident that we have a chance to win, but I am warning the people now. I am ringing the alarm bell. The people of this country have to step forward. I know they will.

Mr. Speaker, I include for the RECORD the document entitled "Mutual Understanding Between the Japanese Patent Office and the United States Patent and Trademark Office".

The material referred to is as follows:

JANUARY 20, 1994.

MUTUAL UNDERSTANDING BETWEEN THE JAPANESE PATENT OFFICE AND THE UNITED STATES PATENT AND TRADEMARK OFFICE

Actions to be taken by Japan:

1. By July 1, 1995, the Japanese Patent Office (JPO) will permit foreign nationals to file patent applications in the English language, with a translation into Japanese to follow within two months.

2. Prior to the grant of a patent, the JPO will permit the correction of translation errors up to the time allowed for the reply to the first substantive communication from the JPO.

3. After the grant of a patent, the JPO will permit the correction of translation errors to the extent that the correction does not substantially extend the scope of protection.

4. Appropriate fees may be charged by the JPO for the above procedures.

Actions to be taken by the U.S.:

1. By June 1, 1994, the United States Patent and Trademark Office (USPTO) will introduce legislation to amend U.S. patent law to change the term of patents from 17 years from the date of grant of a patent for an invention to 20 years from the date of filing of the first complete application.

2. The legislation that the USPTO will introduce shall take effect six months from the date of enactment and shall apply to all applications filed in the United States thereafter.

3. Paragraph 2 requires that the term of all continuing applications (continuations, continuations-in-part and divisionals), filed six months after enactment of the above legislation, be counted from the filing date of the earliest-filed of any applications invoked under 35 U.S.C. 120.

WATARU ASOU,
Commissioner, Japanese Patent Office.

BRUCE A. LEHMAN,
Assistant Secretary of Commerce, and Commissioner of Patents and Trademarks, United States Patent and Trademark Office.

THOSE WHO WOULD AMEND THE CONSTITUTION ARE REVOLUTIONARIES, NOT CONSERVATIVES

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 7, 1997, the gentleman from North Carolina [Mr. WATT] is recognized for 60 minutes as the designee of the minority leader.

Mr. WATT of North Carolina. Mr. Speaker, I do not think my colleague, the gentleman from California [Mr. ROHRBACHER], could have set the table any better for my comments, because I, too, am here today to speak on behalf of the American people, and some of the principles for which the American people fought many years ago in the establishment of this country.

This is a first for me. This is my third term in Congress. I am in my 5th