

By Mrs. JOHNSON of Connecticut (by request):

H.R. 1347. A bill to amend title 18, United States Code, to prohibit the mailing of certain mail matter; to the Committee on the Judiciary.

By Mr. JONES:

H.R. 1348. A bill to amend title 18, United States Code, relating to war crimes; to the Committee on the Judiciary.

By Mr. KENNEDY of Massachusetts:

H.R. 1349. A bill to regulate handgun ammunition, and for other purposes; to the Committee on the Judiciary.

By Mr. SHAW (for himself, Mr. NEY, and Mr. BOEHNER):

H.R. 1350. A bill to amend the Internal Revenue Code of 1986 to allow associations of persons holding timeshare interests in residential property to elect to be taxed as homeowner associations; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia (for himself, Mr. SHAYS, Mr. SERRANO, Ms. RIVERS, Mr. FILNER, Mr. STARK, Mr. DELUMS, Ms. NORTON, Mr. MCGOVERN, Mrs. MINK of Hawaii, Ms. JACKSON-LEE, and Mr. OBERSTAR):

H.R. 1351. A bill to prohibit smoking in any transportation facility for which Federal financial assistance is provided; to the Committee on Transportation and Infrastructure.

By Mrs. LOWEY:

H.R. 1352. A bill to amend the Public Health Service Act to provide, with respect to research on breast cancer, for the increased involvement of advocates in decision making at the National Cancer Institute; to the Committee on Commerce.

By Mr. MINGE (for himself, Mr. RAMSTAD, Mr. KLUG, Mr. DEFAZIO, Ms. FURSE, Mr. KENNEDY of Massachusetts, Mr. LUTHER, Mr. PASCRELL, Mr. MCINTYRE, Mr. HEFLEY, and Mr. BISHOP):

H.R. 1353. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate any portion of their income tax overpayments, and to make other contributions, for the purpose of retiring the national debt; to the Committee on Ways and Means.

Mr. OLVER (for himself, Mr. BONIOR, Mr. BOUCHER, Mr. EVANS, Mr. FROST, and Ms. LOFGREN):

H.R. 1354. A bill to amend title XIX of the Social Security Act to provide for mandatory coverage of services furnished by nurse practitioners and clinical nurse specialists under State Medicaid plans; to the Committee on Commerce.

By Mrs. THURMAN (for herself and Mr. SHAW):

H.R. 1355. A bill to amend the Internal Revenue Code of 1986 to modify the tax treatment of qualified State tuition programs; to the Committee on Ways and Means.

By Mr. WATTS of Oklahoma (for himself, Mr. ENGLISH of Pennsylvania, Mr. WOLF, Mr. CONDIT, and Mr. NORWOOD):

H.R. 1356. A bill to amend title 10, United States Code, to permit beneficiaries of the military health care system to enroll in Federal employees health benefits plans; to improve health care benefits under the CHAMPUS and TRICARE Standard, and for other purposes; to the Committee on National Security, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WATTS of Oklahoma:

H.R. 1357. A bill to require the Secretary of Defense and the Secretary of Health and Human Services to carry out a demonstra-

tion project to provide the Department of Defense with reimbursement from the Medicare Program for health care services provided to Medicare-eligible beneficiaries under the TRICARE program; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. EMERSON (for herself and Mr. CONDIT):

H.J. Res. 72. Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriations bills; to the Committee on the Judiciary.

By Mr. LANTOS (for himself, Mr. GILMAN, Mr. HAMILTON, Mr. ACKERMAN, Mr. BERMAN, Mr. FALEOMAVAEGA, and Mr. ROTHMAN):

H. Con. Res. 63. Concurrent resolution expressing the sense of the Congress regarding the 50th anniversary of the Marshall Plan and reaffirming the commitment of the United States to the principles that led to the establishment of that program; to the Committee on International Relations.

By Mr. LINDER:

H. Res. 114. Resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. ROYCE (for himself, Mr. PAYNE, Mr. MENENDEZ, Mr. CAMPBELL, Mr. HASTINGS of Florida, Mr. CHABOT, Mr. GILMAN, Mr. HAMILTON, Mr. BEREUTER, Mr. SMITH of New Jersey, Mr. KIM, Mr. GRAHAM, Mr. GEJDENSON, and Mr. BERMAN):

H. Res. 115. Resolution concerning the promotion of peace, stability, and democracy in Zaire; to the Committee on International Relations.

By Mr. RUSH:

H. Res. 118. Resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. FARR of California (for himself, Mr. PALLONE, Mr. PORTER, Mrs. MORELLA, Mr. EVANS, Mr. YATES, Mr. OLVER, Ms. WOOLSEY, Mr. BLUMENAUER, Mr. TORRES, Mr. CUMMINGS, Ms. NORTON, Mr. WALSH, Mr. ABERCROMBIE, Mr. SANDERS, Mr. MURTHA, Mr. WAXMAN, Ms. HARMAN, Mr. GEJDENSON, Mr. GEPHARDT, Mr. CAPPES, Mr. SHAYS, and Ms. JACKSON-LEE):

H. Res. 119. Resolution providing for the mandatory implementation of the Office Waste Recycling Program in the House of Representatives; to the Committee on House Oversight.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

41. By the SPEAKER: Memorial of the Legislature of the Commonwealth of Virginia, relative to Senate Joint Resolution No. 365 urging Congress to repeal section 13612(a)(C) of the Omnibus Budget Reconciliation Act of 1993; to the Committee on Commerce.

42. Also, memorial of the Legislature of the State of Idaho, relative to Senate Joint Resolution No. 102 urging Congress to pass, and send to the legislatures of the States for ratification, an amendment to the Constitution requiring, in the absence of a national emergency, that the total of all appropriations may not exceed the total of all estimated Federal revenues; to the Committee on the Judiciary.

43. Also, memorial of the Legislature of the State of Idaho, relative to Senate Joint Resolution No. 103 requesting that Congress and the President of the United States amend the Internal Revenue Code so that the maximum tax rate on long-term capital gains be lowered to 14 percent; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 143: Mr. NUSSLE, Mr. BENTSEN, Ms. KILPATRICK, Mrs. KELLY, Mr. TOWNS, Mr. COYNE, Ms. ESHOO, Mr. GALLEGLY, Mr. PORTMAN, Mr. CAMPBELL, Mr. FROST, and Mr. WOLF.

H.R. 144: Mr. TALENT.

H.R. 165: Mr. STUPAK.

H.R. 213: Mr. WEYGAND.

H.R. 273: Ms. SLAUGHTER.

H.R. 339: Mr. MCINTYRE.

H.R. 383: Mr. GALLEGLY and Mr. MCINTYRE.

H.R. 399: Ms. KAPTUR.

H.R. 411: Ms. WOOLSEY.

H.R. 437: Mr. BILIRAKIS.

H.R. 453: Mrs. TAUSCHER, Mr. FRANK of Massachusetts, Mrs. MINK of Hawaii, and Mr. MARKEY.

H.R. 500: Mr. TORRES.

H.R. 521: Mr. COOK, Mr. BAESLER, and Mr. FRANK of Massachusetts.

H.R. 536: Mr. DINGELL, Mr. TOWNS, and Mr. LANTOS.

H.R. 629: Mr. SANDLIN.

H.R. 638: Mr. ENGLISH of Pennsylvania.

H.R. 641: Mr. MCINTOSH and Mr. WATTS of Oklahoma.

H.R. 647: Mr. SOUDER.

H.R. 648: Mr. KUCINICH, Mr. OWENS, Mrs. MALONEY of New York, Ms. NORTON, Mr. DAVIS of Illinois, Mr. KIND of Wisconsin, Mr. DEFAZIO, Ms. SLAUGHTER, and Mr. BARRETT of Wisconsin.

H.R. 653: Mr. BARRETT of Wisconsin.

H.R. 688: Mr. PASTOR, Mr. BARRETT of Nebraska, and Mr. TIAHRT.

H.R. 695: Mrs. LINDA SMITH of Washington.

H.R. 715: Mr. WELLER and Mr. SOUDER.

H.R. 716: Mr. DEAL of Georgia and Mr. OXLEY.

H.R. 744: Mr. OWENS, Mr. YATES, Mr. WEXLER, Mr. PAYNE, Mr. DELLUMS, Mrs. CLAYTON, Mr. MANTON, Mr. BOUCHER, Mr. GONZALEZ, Mr. DELAHUNT, Mr. OLVER, Ms. LOFGREN, and Mr. WEYGAND.

H.R. 745: Mr. NEUMANN and Mr. SMITH of New Jersey.

H.R. 755: Ms. CHRISTIAN-GREEN.

H.R. 767: Mr. THUNE.

H.R. 789: Mr. CAMP and Mr. CONDIT.

H.R. 805: Mr. EWING.

H.R. 811: Mr. KUCINICH.

H.R. 813: Mr. ADERHOLT.

H.R. 815: Mr. BALDACCI, Ms. PRYCE of Ohio, Mr. KASICH, Mr. COOKSEY, Mr. DEFAZIO, Mr. MARKEY, Mr. FATTAH, Mr. HUTCHINSON, Mr. SAWYER, Mr. SKAGGS, Mr. FRANK of Massachusetts, Mr. MASCARA, Mr. KOLBE, Mr. FOGLIETTA, Mr. GUTIERREZ, Ms. BROWN of Florida, Mr. KLINK, Mr. MCHALE, and Mr. SANDERS.

H.R. 816: Mr. KINGSTON and Mr. GRAHAM.

H.R. 878: Mr. EVANS, Mr. NADLER, and Ms. CHRISTIAN-GREEN.

H.R. 900: Mr. MCGOVERN, Mr. MCNULTY, Mr. FRANKS of New Jersey, Mr. COYNE, Mr. LAMPSON, Mr. PALLONE, Mr. SPRATT, Mr. HASTINGS of Florida, Ms. ESHOO, Mr. SHERMAN, Ms. HOOLEY of Oregon, Mr. LUTHER, Mr. PRICE of North Carolina, Mr. KIND of Wisconsin, Mr. CAMPBELL, Mr. ROEMER, Mr. KLECKA, Ms. NORTON, Mr. DIXON, Mr. ALLEN, Mr. ACKERMAN, and Mr. BARRETT of Wisconsin.

H.R. 925: Mr. KUCINICH, Mr. OWENS, Mr. KIND of Wisconsin, Mr. DAVIS of Illinois, Mr. BARRETT of Wisconsin, and Ms. SLAUGHTER.

H.R. 947: Mr. BROWN of California.

H.R. 950: Mr. GUTIERREZ, Mr. OBERSTAR, Ms. WOOLSEY, Mr. BORSKI, Mr. KUCINICH, Mr. LEWIS of Georgia, Ms. LOFGREN, and Mr. JACKSON.

H.R. 956: Mr. DREIER and Mr. PICKERING.

H.R. 965: Mr. GALLEGLY and Mrs. CUBIN.

H.R. 981: Mr. SCHUMER and Ms. HOOLEY of Oregon.

H.R. 982: Mr. SCHUMER.

H.R. 1010: Mr. BERRY, Mr. TURNER, and Mr. NETHERCUTT.

H.R. 1033: Mr. CALVERT and Mr. RADANOVICH.

H.R. 1039: Ms. LOFGREN and Mr. MEEHAN.

H.R. 1053: Mr. FRANK of Massachusetts, Mr. STARK, and Mr. HOBSON.

H.R. 1071: Mr. ACKERMAN and Mr. MCINTYRE.

H.R. 1079: Mr. TRAFICANT, Mr. SABO, Mr. LIPINSKI, Mr. DELLUMS, Mr. BECERRA, Mr. OLVER, Mr. EVANS, Mr. DEFAZIO, Mr. DAVIS of Illinois, Mr. STARK, Mrs. CARSON, Mr. VENTO, Mr. LEWIS of Georgia, Ms. CHRISTIAN-GREEN, Mrs. MEEK of Florida, Mr. RAHALL, Mr. STUPAK, Mr. PASCRELL, Mr. KUCINICH, Mrs. MINK of Hawaii, Mr. CONYERS, Ms. MCKINNEY, Mr. NADLER, Mr. YATES, Ms. KAPTUR, Mr. OWENS, Mr. HINCHY, Mr. GONZALEZ, Mr. HOLDEN, Mr. BOYD, Mr. MCGOVERN, Mr. TIERNEY, Ms. SLAUGHTER, Mr. CLYBURN, Mr. BROWN of Ohio, Mr. MASCARA, Mr. RUSH, Mr. PALLONE, Ms. NORTON, and Mr. TORRES.

H.R. 1126: Mr. LAZIO of New York.

H.R. 1132: Mr. OLVER, Mr. MEEHAN, Mrs. KELLY, Mr. LEWIS of Georgia, Mr. DELLUMS, Mr. YATES, Ms. SLAUGHTER, Mr. ROTHMAN, Mr. ABERCROMBIE, Ms. MCKINNEY, and Mr. GUTIERREZ.

H.R. 1134: Mr. BLILEY.

H.R. 1138: Mr. CHABOT, Mr. DEFAZIO, Mr. COX of California, Mrs. CHENOWETH, Mr. CAMP, and Mr. POMBO.

H.R. 1161: Ms. LOFGREN.

H.R. 1166: Mr. BERMAN, Mr. EVANS, Mr. McNULTY, Mr. DICKS, Mr. CARDIN, Mr. FROST, Mr. McDERMOTT, Mr. DELAHUNT, Mr. LEWIS of Georgia, Mr. KILDEE, Mr. KENNEDY of Rhode Island, Mrs. MINK of Hawaii, Ms. CHRISTIAN-GREEN, Mr. GREEN, and Mr. PASCRELL.

H.R. 1169: Mr. WELDON of Florida.

H.R. 1227: Mr. CALVERT and Mr. RADANOVICH.

H.R. 1232: Mr. FOLEY, Mr. CUNNINGHAM, Mr. DEAL of Georgia, and Mr. MCHUGH.

H.R. 1247: Mr. YOUNG of Alaska and Mr. PAPPAS.

H.R. 1263: Mr. DELAHUNT, Mr. LIPINSKI, Mr. MEEHAN, Mr. BALDACCI, Mr. FRANK of Massachusetts, and Mr. DELLUMS.

H.R. 1288: Mr. FILNER, Mr. TOWNS, Ms. LOFGREN, Ms. CHRISTIAN-GREEN, Ms. DELAUR, Mr. FROST, and Mr. DEFAZIO.

H.J. Res. 54: Mr. SMITH of Michigan.

H. Con. Res. 6: Mr. DINGELL.

H. Con. Res. 8: Mr. UNDERWOOD.

H. Con. Res. 55: Mrs. MORELLA, Mr. DOYLE, Mr. MCHUGH, Mr. TORRES, Mr. WALSH, Mr. KNOLLENBERG, Mr. FARR of California, and Mr. NORWOOD.

H. Res. 98: Mr. ABERCROMBIE.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 400

OFFERED BY: MR. CAMPBELL

AMENDMENT NO. 1: amend section 302(C)(2), p. 68 of March 20 text: Strike lines 4-6.

Insert: "under this chapter, and such use shall not be greater in quantity, volume, or

scope than had been the actual quantity, volume, or scope of the prior use, however, the defense shall also extend to improvements in"

Amend section 302(C)(6), p. 69 of March 20 text:

At line 23, strike " ." add: " ; in which case the use of the defense shall not be greater in quantity, volume, or scope than had been the actual quantity, volume, or scope of the prior use."

H.R. 400

OFFERED BY: MR. CAMPBELL

AMENDMENT NO. 2: page 48 of March 20 text, strike line 3, insert:

"111(b) of this title, as to which there have been two substantive Patent Office actions since the filing, shall be published, in accordance"

Line 17, insert:

"(D) 'Substantive Patent Office action' means an action by the patent office relating to the patentability of the material of the application (not including an action to separate a parent application into parts), unless the patent applicant demonstrates under procedures to be established by the patent office that the office action in question was sought in greater part for a purpose other than to achieve a delay in the date of publication of the application. Such Patent Office decision shall not be appealable, or subject to the Administrative Procedures Act."

H.R. 400

OFFERED BY: MR. COBLE

AMENDMENT NO. 3: Page 3, insert in the table of contents after the item relating to section 149 the following:

Subtitle D—Under Secretary of Commerce for Intellectual Property Policy

Sec. 151. Under Secretary of Commerce for Intellectual Property Policy.

Sec. 152. Relationship with existing authorities.

Page 3, in the item relating to section 402, strike "development" and insert "promotion".

Page 5, line 12, insert "(I)" before "For purposes".

Page 5, insert after line 15 the following:

"(2) As used in this title, the term 'Under Secretary' means the Under Secretary of Commerce for Intellectual Property Policy.

Page 5, line 21, strike "under" and insert "subject to".

Page 6, line 1, strike "conduct" and insert "in support of the Under Secretary, assist with".

Page 6, line 4, strike ", the administration" and all that follows through line 8 and insert a semicolon.

Page 6, line 9, strike "authorize or conduct studies and programs cooperatively" and insert ", in support of the Under Secretary, assist with studies and programs conducted cooperatively".

Page 7, strike line 23 and all that follows through page 8, line 3, and insert the following:

"(5) may establish regulations, not inconsistent with law, which—

"(A) shall govern the conduct of proceedings in the Office;

Page 9, line 1, insert "shall" after "(E)".

Page 9, after line 6, insert the following:

"(F) provide for the development of a performance-based process that includes quantitative and qualitative measures and standards for evaluating cost-effectiveness and is consistent with the principles of impartiality and competitiveness;

Page 11, strike lines 15 through 17 and redesignate the succeeding paragraphs accordingly.

Page 11, add the following after line 25:

"In exercising the Director's powers under paragraphs (6) and (7)(A), the Director shall consult with the Administrator of General Services when the Director determines that it is practicable, efficient, and cost-effective to do so."

Page 13, strike lines 4 through 18 and redesignate the succeeding subparagraphs accordingly.

Page 14, strike line 18 and all that follows through page 15, line 7, and insert the following:

"(5) COMPENSATION.—The Director shall be paid an annual rate of basic pay not to exceed the maximum rate of basic pay of the Senior Executive Service established under section 5382 of title 5, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of title 5. In addition, the Director may receive a bonus in an amount up to, but not in excess of, 50 percent of such annual rate of basic pay, based upon an evaluation by the Secretary of Commerce of the Director's performance as defined in an annual performance agreement between the Director and the Secretary. The annual performance agreement shall incorporate measurable organization and individual goals in key operational areas as delineated in an annual performance plan agreed to by the Director and the Secretary. Payment of a bonus under this paragraph may be made to the Director only to the extent that such payment does not cause the Director's total aggregate compensation in a calendar year to equal or exceed the amount of the salary of the President under section 102 of title 3.

Page 16, line 2, strike "policy and".

Page 16, insert the following after line 20:

"(3) TRAINING OF EXAMINERS.—The Patent and Trademark Office shall develop an incentive program to retain as employees patent and trademark examiners of the primary examiner grade or higher who are eligible for retirement, for the sole purpose of training patent and trademark examiners."

Page 21, line 13, insert "including inventors," after "Office,".

Page 21, line 20, insert after "call of the chair" the following: ", not less than every 6 months."

Page 27, line 9, insert after the period close quotation marks and a second period.

Page 27, strike line 10 and all that follows through page 28, line 14.

Page 32, insert the following immediately before line 10 and redesignate the succeeding paragraphs accordingly:

"(5) Section 41(h) of title 35, United States Code, is amended by striking "Commissioner of Patents and Trademarks" and inserting "Director".

Page 33, line 7, strike "Title" and insert "(A) Except as provided in subparagraph (B), title".

Page 33, insert the following after line 9:

"(B) Chapter 17 of title 35, United States Code, is amended by striking "Commissioner" each place it appears and inserting "Commissioner of Patents".

Page 33, insert the following after line 12:

"(12) Section 157(d) of title 35, United States Code, is amended by striking "Secretary of Commerce" and inserting "Director".

"(13) Section 181 of title 35, United States Code, is amended in the third paragraph by striking "Secretary of Commerce under rules prescribed by him" and inserting "Director under rules prescribed by the Patent and Trademark Office".

"(14) Section 188 of title 35, United States Code, is amended by striking "Secretary of Commerce" and inserting "Patent and Trademark Office".

"(15) Section 202(a) of title 35, United States Code, is amended by striking "iv)" and inserting "(iv)".