

[From the U.S. News & World Report, Nov. 17, 1997]

LATEST SOFTWARE NIGHTMARE—THE CURRENCY CHANGE IN EUROPE COULD COST U.S. FIRMS BILLIONS

(By John Marks)

For the past year or so, American businesses have been forced to grapple with the "millennium bug," a computer programming glitch that threatens to wipe out bank accounts, financial statements, and databases when the year 1999 becomes the year 2000. Now, companies must brace themselves for another daunting—very expensive—software-related problem, this one involving the new European currency known as the euro.

Even before it is introduced on Jan. 1, 1999, the long-awaited euro threatens to cost American business \$30 billion or more to buy new software and recode old programs, as companies with interests on the other side of the Atlantic attempt to adapt to the new currency. No later than Dec. 31, 1998, people doing business in Europe will have to rewrite their computer software to handle three different base currencies at once. The value of the euro will have to be determined on a daily basis by its relationship to both the dollar and other European currencies. In other words, every bill, every financial statement, and every stock price in the nine countries set to join what is known as the European Monetary Union will have to be "triangulated." So far, says Sarwar Kashmeri, a corporate consultant specializing in the issue, no commercial software exists to make that calculation. "We have been focusing very hard on the year-2000 problem, but we've been missing the euro," says Gary Johnson, an American attorney specializing in European securities markets.

The two problems would seem to be unrelated. But the coincidence in timing—the millennium bug and the currency change arrive within a year of each other—has transformed them into a larger, single crisis for many companies. The well-publicized millennium-bug problem was unwittingly created by computer programmers in the 1960s. In an effort to maximize scarce computer memory, programmers left the first two digits out of the year designation, so that 1997 reads merely "97." Theoretically, when the year 2000 arrives, 90 percent of the world's computers will "think" it is 1900, creating all kinds of chaos. According to the cost conservative estimates, fixing the millennium bug will cost American business between \$50 billion and \$150 billion.

BUG ZAPPER

Last year, after dire warnings of a technological disaster at the dawn of the new century, companies rushed to hire programmers to save the day. In doing so, they created a labor shortage at a critical moment. Work on both the millennium bug and the euro transition requires knowledge of outdated COBOL computer systems. So all of a sudden, most of the programmers who might be deployed to manage the transition to the euro already have day jobs. "There is a tremendous shortage of those kinds of skill sets," confirms Chris Fell, an executive at International Data corp.

Though the euro will be introduced in January 1999, it will not become the sole currency in Europe until July 1, 2002. On that date, all other currencies will be taken out of circulation. While a large part of the U.S. business community remains skeptical that Europe will pull off this monetary feat, many companies have begun to accept that it will. A few have begun to accept that it will. A few have begun to take steps. DuPont, which has a significant presence in Europe, has put together a team to prepare for

the introduction of the currency. United Parcel Service has done the same. Both firms are looking into how to adapt their computer systems.

The change to the euro will affect some companies more than others. For example, Bloomberg Financial Markets, the world's largest provider of financial information, will have to add the euro to 10 year's worth of records—everything from trading prices to financial statements. In a recent Securities and Exchange Commission filing, Alliance Gaming Corp. announced that it would probably have to "redesign new and, possibly, existing" slot machines to accept new currencies.

While the initial changeover to the euro may be a financial headache, the vast new market created by the currency is expected to be lucrative for American companies. And no matter what it costs businesses on this side of the Atlantic to adjust their information technologies, they can rest assured that their European counterparts will be out even more: The most recent estimate puts the price of converting to the euro at \$70 billion for European businesses.

[From the Washington Post, Nov. 5, 1997]

SOCIAL SECURITY GETS YEAR 2000 WARNING—MORE WORK NEEDED ON GLITCH, GAO SAYS

(By Rajiv Chandrasekaran)

The General Accounting Office today will warn that the Social Security Administration (SSA) faces a possible computer crash in the year 2000 because the agency has not started analyzing or fixing several crucial systems affected by the year 2000 software glitch.

Among the systems not yet analyzed are most of the 54 computer systems that operate state disability determination services, according to the GAO, the watchdog arm of Congress.

Those systems, which are operated by individual states but funded by the federal government, process applicants for Supplemental Security Income and Social Security Disability Insurance, programs that currently assist 12.5 million people.

"Disruptions to this service due to incomplete Year 2000 conversions will prevent or delay SSA's assistance to millions of individuals across the country," Joel Willemsen, the GAO's director of information resources management, wrote in a report to be released today by Sen. Charles E. Grassley (R-Iowa) and Rep. Jim Bunning (R-Ky.).

The GAO also said the Social Security Administration has not developed adequate contingency plans in case its computers are not fixed in time.

The report, however, did not call into the question the agency's ability to issue standard monthly Social Security checks in 2000 and beyond.

The SSA has long been touted as the federal agency that is most keenly aware of the year 2000 problem. The agency, whose "mission critical" systems collectively had been thought to have about 34 million lines of computer code, began making year 2000 repairs almost a decade ago.

As a result, SSA officials have been asked to hold seminars for other federal agencies about the issue and have been singled out for praise by Congress in the past. The new findings, congressional officials said, could create a new round of uncertainty about the federal government's year 2000 preparedness.

"If Social Security, which we've thought had everything under control, really doesn't, that raises new questions about other agencies," said a congressional staffer.

The year 2000 problem exists because most large computer systems have used a two-digit dating system that assumes that 1 and 9 are the first two digits of the year.

Without specialized reprogramming, the systems will think the year 2000—or 00—is 1900, a glitch that could cause them to go haywire.

According to the GAO, private contractors hired by the SSA to fix the year 2000 glitch on 42 of the 54 state disability determination services computers discovered 33 million additional lines of code that need to be tested and, where necessary, fixed.

The SSA did not include the state disability determination systems in its initial assessment of the date glitch, but now acknowledges that the systems are "mission critical" because of their importance in determining whether a person is medically eligible to receive disability payments, the GAO report said.

Analyzing and fixing the problem likely will be a massive undertaking. In just one office, the GAO said it found 600,000 lines of code in 400 programs that operate the disability system.

Without a full understanding of the scope of the problem on the state disability systems, "SSA increases the risk that benefits and services will be disrupted," the GAO wrote.

Kathleen M. Adams, SSA's chief information officer, said the agency has recently received reports from all 50 states detailing their plans to fix the disability systems.

"They will be tested and implemented by December 1998, like the rest of Social Security," Adams said. "I am very comfortable [the disability systems] will be ready."

Adams said five states already have finished the conversion work for the disability systems.

The GAO also said the SSA faces a significant challenge in ensuring data that it exchanges with other federal and state agencies will be year 2000 compliant.

"Because SSA must rely on the hundreds of federal and state agencies and the thousands of businesses with which it exchanges files to make their systems compliant, SSA faces a definite risk that inaccurate data will be introduced into its databases," the GAO wrote.●

OMNIBUS PATENT ACT OF 1997

● Mr. BOND. Mr President, Congress has the "power to promote the progress of Science and useful Arts, by securing for limited times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." If that phrase sounds familiar to my colleagues, it is because I lifted it straight from the Constitution. Article 1, section 8, known to many as the inventors clause.

This section of the Constitution is the result of the foresight that our Founding Fathers had to cut a deal with the creative minds of a fledgling country. The deal was rather simple, in exchange for sharing their ingenuity and their creations with the citizens of this new country, the Congress would grant these inventors temporary monopolies on their products and permit them to enjoy the proceeds of their invention for a period of time, with the weight of the law of the land to ensure those rights were protected.

This was a carefully thought out concept by rather brilliant individuals with unquestioned foresight. In my opinion, this compromise has been a smashing success. In the past 220 years,

the United States has become an economic, industrial, and intellectual superpower. The creative product of the U.S. is unmatched the world over and I believe that the United States patent system has played a central role in this success.

Why am I sharing these thoughts with my colleagues, because it is just like the Federal Government to take a good idea and turn it on its head. There is legislation pending on the Senate Calendar, with the strong backing of the Clinton administration, that would gut the protection and the incentives offered inventors by our patent and trademark laws. This country's inventors have been an indispensable force in the success of which I have spoken. But this legislation would tip the balance of protection offered by patent laws away from these inventors and thinkers and open them to the hostile environment of intellectual property piracy and idea predators—commonplace in other parts of the world. Our inventors will be jerked from a protective environment, known for nurturing creativity and advancing practical knowledge, and be cast into a far harsher arena where it will be eminently more difficult for inventors to secure their rights and enjoy the rewards of their creativity and entrepreneurship—and possibly be driven from their work all together.

I am hear to speak out on behalf of the inventors and the small guys of this country. People with ideas. I would suspect that scattered throughout the bill there may be some good ideas that may improve the efficiency of the Patent and Trademark Office, but taken as a whole the changes proposed would stifle rather than promote the sciences and the useful arts. I believe the legislation is ill-conceived and I will fight it should it see Senate debate.

The past couple of weeks, the Senate has been debating the state of manufacturing in the United States. Many of my colleagues have registered their concern that much of our manufacturing base has left the country and they fear that this trend will continue. I believe that there is a future for manufacturing and industry in this country. I am very encouraged by the number of small businesses and startup companies presently thriving in the United States. Much of our future lies with these startup businesses and small business people that are creating new technology, starting companies, and expanding employment opportunities. But I believe we need to seize the opportunity and continue to encourage it.

This is where the patent comes into the equation. A great idea can come to anyone, regardless of his or her capital or financial resources. This is the point at which the magnificence of our system becomes clear to me. Should a person be the first with an idea and successfully document that idea, that person can be granted a patent. The patent secures a monopoly and if it is a good idea it can be shopped around the

venture capital markets. Should the financial assistance be secured, the inventor can build a prototype, start a business, hire people, and perhaps even build a successful company and make money.

I believe that strong patent protection is central to that equation. First, those with capital are not inclined to fork over some money because it is the nice thing to do, they want assurances of return. The legally protected monopoly provides that assurance. The fact that our patent laws offer the strongest possible protection also contributes to that assurance. The inventor's idea is held in secret at the patent office until it is granted, which by the way prevents theft. The law also grants a legal right upon which an inventor can bring a civil action for damages should that idea be infringed upon. Strong patent protection lends value and certainty to this temporary monopoly.

Without the patent protection, ideas that are not backed by financial resources may never see the light of day or else they may be gobbled up by a large company for pennies on the dollar. If one does not hold a realistic belief that they can make a go of it with their own idea, I believe that stifles important incentives present in America to pursue an idea or invent. But even more so, I do not believe this is the American way. This is a great country because anyone with an idea and the fortitude to pursue that idea can make a go of it. This country is full of companies that began under just such circumstances.

This country needs its entrepreneurs, they are essential if we are to continue to enjoy economic growth. Think about the role of entrepreneurs and startup companies in our economy. They come up with new ideas, they promote competition, they shake up old establishments, they force competitors to be smart and competitive, they inject vigor and dynamism into our capitalistic system. They create manufacturing jobs right here in the United States. They create secure and well-paying jobs for Americans. And they give you, me, and our children new technology and new ideas for all our use. This force is essential to our strength and continued growth and the patent laws are essential to allowing these start-ups to begin and then thrive.

Many of those that are pushing for this bill are large companies with vast financial resources. Before they put forward their arguments in favor of the legislation, I must challenge them to ask themselves some important questions. Did not their companies begin with a single person with an idea? Did they not seize the opportunities offered in this country to grow and flourish? Did not the patent offer protection needed to pursuing that idea? Pulling the ladder up once you have made it to the top is not the American way, but that agenda is underlying much of this legislation.

I support the inventors who are fighting these changes. I believe they are

correct and courageous in their stance. Unfortunately, they have been ridiculed and vilified in the press by the Commissioner of the PTO, the individual running the agency responsible for licensing billions of dollars in intellectual property rights here in the United States. In fact, I read that he said that the opponents of this bill, that would include myself, reside on the lunatic fringe. He also compared our sanity to that of Timothy McVeigh—on behalf of the hardworking inventors of this country, I find such comments outrageous and demeaning. But rather than dignifying those ridiculous comments by responding on the merits, I will share with my colleagues a sampling of those that Mr. Lehman is saying reside on the lunatic fringe.

First, I have been contacted by countless inventors registering their opposition, their creations include medical devices, drugs, machinery, electronic technology, computer technology, and agricultural products—to mention a few. They share a fear that this will open them up to litigation, theft, and harassment while closing down their opportunities to continue their work. I have also been contacted by men and women of science, economists, doctors, and professors. The most notable group of objectors is a group of over 20 Nobel Laureates in science and economics who have signed an open letter to the U.S. Senate opposing the bill. These great minds all agree that this legislation could result in "lasting harm to the United States and to the world." They also concur with the concerns I am advancing today that this bill will be very harmful to small inventors and "discourage the flow of new inventions that have contributed so much to America's superior performance in the advancement of science and technology." Finally, these great scientists and economists have expressed concern that this bill will create a disincentive to rely on the limited life of a patent to share their creations with the public, an occurrence which will sap the spirit of the inventors clause.

I think that opposition should be enough to convince just about anyone. But respected others, including the New York Times, have spoken out. The Times editorial page has concluded that this bill will "dampen the innovative spirit that helps sustain the American economy." The Times also correctly notes that the American patent system generates more and better patent applications than any other country's, but that this bill terribly threatens the incentives present in our system that stimulates that creativity.

I have also been contacted by Ross Perot, who has expressed in no uncertain terms his absolute objection to this legislation. As Mr. Perot reminded me, patents are a constitutionally guaranteed right which have been essential to countless Americans in their

fulfillment of the American dream. But rather than celebrate this success story unique to America, we are proposing selling our inventors down the river. Mr. Perot has called upon the Members of Congress to ask themselves a simple question when considering this bill, is it right or is it wrong? We both agree it is wrong. And we are ready for a fight. Mr. Perot, whose dedication to America and success as a businessman cannot be questioned, has said, in the words of Isaac Hull, "If that fellow wants a fight, we won't disappoint him."

There are other well-respected groups, small business groups and groups of concerned citizens that believe this legislation is bad policy and are lining up for a fight.

I will take the collective contribution of those that oppose this bill and stack them up against Mr. Lehman's arguments any day. The inventors of this country should derive confidence because they have the Constitution and many great minds of science on their side and rhetoric on the other.

For those reviewing the bill, I would like to point out some issues.

First, the proponents of the bill want to create an infringement defense, known as a prior user right. The prior user right is a bad idea for many reasons. Foremost, it starts down a road that changes our "first to invent" system and overturns 200 years of U.S. patent policy. The defense would not only permit inventors to keep their ideas secret, but it encourages them to keep them secret. Our first to invent system protects small inventors. If they document their invention, they will not have to engage in a race to the patent office. They will have time to tinker and perfect their inventions without being forced to file early and then file for all perfections, a costly process for a small inventor.

The defense will hurt small inventors in the capital markets because it will undermine the certainty of the patent. As I said this certainty is important to attracting capital and the capital is important for underfunded inventors to take their products to market. Should one have an invention that requires expensive testing, the idea can not be perfected without finances. Capital is essential for inventors to role out their own ideas. This section poses many problems about which I could speak for quite some time, but I will refrain. The reasons will be aired fully in time.

Many proponents want to force all inventors to publish their ideas after 18 months, regardless of whether the patent review process is completed. Some changes have been made to scale this back, but many are laying in wait to see this implemented. I believe this would open our inventors to theft. Small inventors would have to go to court to recoup their just rewards and would have to depend on costly litigation. Many say, "We won't steal ideas," I hope not, but this is the business world. I am unwilling to put small inventors at this sort of a risk.

Proponents are looking for changes in the system for challenges to patents, this may open small inventors to unnecessary expense and litigation. Taken as a whole, there are profound changes proposed. The collective weight, I believe, will hurt our small inventors.

A quick word about an argument forwarded by the bill's proponents. They will come to your office saying that this bill is necessary because there is a pariah lurking in the world of intellectual property. He uses what is called a submarine patent to manipulate the patent review process to reap unjustified rewards from honest, hard-working men and women. His greed and treachery could potentially destroy thousands of businesses and deal a crushing blow to our economy.

To that I respond—hogwash. Let's engage in an honest debate. When we in Congress agreed to the implementing language in the GATT agreement, we agreed to change the U.S. patent term from a guaranteed 17 years to 20 years from the date of filing. Supposedly, that was done to get at submarine patents. It does take away most if not all of the incentive for an inventor to game the system and should drive a stake into the heart of wrongdoers.

In the process we made a tremendous sacrifice that will cost many of our inventors patent protection. Today, for each day beyond 3 years that a patent lingers in the patent office, our inventors will lose a day of patent protection. Should someone invent a better potato peeler or candy wrapper, it probable won't be in the office today. But the change could have a significant affect on those attempting to get a patent on breakthrough technology. Such technology can often stay under review in the office for years and subsequently our inventors have lost years of protection compared with what they enjoyed before the change. Our inventors have made a great sacrifice to root out the wrongdoers in the system. But the proponents of this bill want more.

They do have more. The PTO has a computer system designed to track patent applications that appear to be those of one attempting to game the system. The Commissioner also has the power to order that the application of one attempting to game the system is published, further curtailing the possibility of the submarine patents. Finally, the Commissioner himself has said that only 1 percent of 1 percent of patent applications could be considered submarine patents.

The Commissioner has plenty of tools at his disposal to curb this problem if it in fact exists. If the problem is out of control, then I believe the problem lies with the Commissioner and those with complaints would be better served leveling their concerns at the other end of Pennsylvania Avenue.

I will conclude by saying that brilliant minds have been drawn to this country and the brilliant minds native to this country have flourished. I do

not believe it is an accident. We in America have chosen our own path. The goal of our patent system is to protect and reward entrepreneurs and innovative businesses, to encourage invention and advancement of practical knowledge. The goal of many of our competitor systems is to share technology immediately, not to protect it. That results in preserving the corporate hierarchy without giving innovators the opportunity to compete.

In other countries thoughts and ideas do not receive the level of reward that they do here. The system works, let us not destroy it. If we want to improve the Patent Office, let's get on with it. But let us not organize a systematic assault on the very system that has contributed so much to this country becoming the greatest Nation on Earth.

I ask that two letters and an op-ed be printed in the RECORD.

September 11, 1997.

An Open Letter To the U.S. Senate:

We urge the Senate to oppose the passage of the pending U.S. Senate Bill S. 507. We hold that Congress, before embarking on a revision of our time tested patent system, should hold extensive hearings on whether there are serious flaws in the present system that need to be addressed and if so, how best to deal with them. This is especially important considering that a delicate structure such as the patent system, with all its ramifications, should not be subject to frequent modifications. We believe that S. 507 could result in lasting harm to the United States and the world.

First, it will prove very damaging to American small inventors and thereby discourage the flow of new inventions that have contributed so much to America's superior performance in the advancement of Science and technology. It will do so by curtailing the protection they obtain through patents relative to the large multi-national corporations.

Second, the principle of prior user rights saps the very spirit of that wonderful institution that is represented by the American patent system established in the Constitution in 1787, which is based on the principle that the inventor is given complete protection but for a limited length of time, after which the patent, fully disclosed in the application and published at the time of issue, becomes in the public domain, and can be used by anyone, under competitive conditions for the benefit of all final users. It will do so by giving further protection to trade secrets which can be kept secret forever, while reducing the incentive to rely on limited life patents.

Nobel Laureates in support of the letter to congress, re: Senate Bill 507

Franco Modigliani, (1985, Economics) MIT.
Robert Solow, (1987, Economics) MIT.
Mario Molina, (1995, Chemistry) MIT.
Roald Hoffman, (1981, Chemistry) Cornell.
Milton Friedman, (1976, Economics) University of Chicago.
Richard Smalley, (1996, Chemistry) Rice.
Clifford Shull, (1994, Physics) MIT.
Herbert A. Simon, (1978, Economics) Carnegie-Mellon.
Douglass North, (1993, Economics) Washington University.
Dudley Herschbach, (1986, Chemistry) Harvard.
Herbert C. Brown, (1979, Chemistry) Purdue.
David M. Lee, (1996, Physics) Cornell.

Daniel Nathans, (1978, Medicine) Johns Hopkins.

Doug Osheroff, (1996, Physics) Stanford.
Har Gobind Khorana, (1968, Medicine) MIT.
Herbert Hauptman, (1985, Chemistry) Hauptman-Woodward Medical Research Institute.

John C. Harsanyi, (1994, Economics) UC Berkeley.

Paul Berg, (1980, Chemistry) Stanford.
Henry Kendall, (1990, Physics) MIT.
Paul Samuelson, (1970, Economics) MIT.
James Tobin, (1981, Economics) Yale.
Jerome Friedman, (1990, Physics) MIT.
Sidney Altman, (1989, Chemistry) Yale.
Robert F. Curl, (1996, Chemistry) Rice.
William Sharpe, (1990, Economics) Stanford.

Merton Miller, (1990, Economics) U. of Chicago.

REFORM PARTY
OF THE UNITED STATES,
Dallas, TX, November 4, 1997.

Hon. CHRISTOPHER S. BOND,
Russell Building, Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR BOND: I want to thank you personally for having the courage and integrity to oppose the Patent Bill now pending before Congress—Senate Bill 507. This Bill will destroy our patent system and remove all incentives for people to create revolutionary new products.

In addition, I would like to thank Senate Majority Leader Trent Lott for standing on principle and refusing to allow this bill to be sneaked through the Senate without hearings or debate.

Obviously, some members of the Senate feel that the owners of the country—the people—have no right to know what Congress is doing.

Under this law, inventors' new products still pending approval, will be made available to all nations, with many countries shamelessly mass-producing these products and ignoring the inventors' rights.

The only recourse for the inventor is to petition the newly created World Trade Organization, where our country only has one unweighted—and believe it or not, the inventor has no recourse in the United States court system. Does anybody really think that this complies with our Constitution?

Granting patent rights to inventors is a Constitutional right—clearly spelled out in our Constitution in Article I, Section 8.

Please remind every member of Congress that it is illegal to amend the Constitution by passing laws.

The only way the Constitution can be amended is through the amendment process. Isn't this a whole lot better than leaving it up to the lobbyists, foreign governments, and corporations? The framers of the Constitution knew what they were doing. Let's follow the rules.

Congress has no business even thinking about circumventing the Constitution with a combination of federal law and international trade agreements.

What would our country and the world be like today if Robert Fulton had not invented the steam engine, Thomas Edison had not invented the electric light, Alexander Graham Bell had not invented the telephone and made instant worldwide communication possible, The Wright brothers had not invented the airplane, Edwin Armstrong had not harnessed the airways and made radio and television possible, Jack Kilby and Robert Noyce had not invented the integrated circuit, just to mention a few.

A few years ago two young men, Ralph Lagergren and Mark Underwood, from Kansas had revolutionary ideas about how to improve the combine used to harvest grain. They had great ideas, but no money.

Using their brains, wits, and creativity as a substitute for money, they successfully created this new product and now hold over 25 patents.

John Deere purchased the technologies and patent rights for several million dollars.

I had the privilege of showing 4,000 Future Farmers of America a videotape of their great work. These teenagers were electrified, because Ralph's and Mark's success made these young people realize that it is still possible to dream great dreams in America and make those dreams come true.

Can't we agree that inventors should not have their Constitutional rights violated and they should be paid for their creative ideas and inventions?

Patent rights and the creativity and ingenuity of United States inventors have been instrumental in giving the United States our world leadership.

Why is this happening? Because our large corporations, foreign governments, and foreign companies who contributed millions of dollars to the 1996 political campaigns want to steal our inventors' new patents. If you question this statement, get a list of the companies working to lobby this change through Congress.

Patents are property rights under U.S. Law. It is immoral and inexcusable for large corporations to band together and spend a fortune trying to lobby this Bill secretly through Congress, so that the creative ideas of United States inventors can literally be stolen.

Why don't these people admit that what they are trying to get done is no better than robbing a bank. In fact, it is even worse to steal an individual's inventions so that companies can increase corporate profits.

If this is such a good idea, why has this whole process been carried out behind closed doors in Congress, with people supporting this Bill doing everything they can to avoid public debates on the floor of the House and Senate?

The answer it is cannot stand the harsh light of public scrutiny.

I want to thank you and every member of the House and Senate who have stood up to the tremendous pressure you are subjected to. I know that many of you have been threatened about what the special interests will do to you in the next election. You are living Commodore Maury's words—"When principle is involved, be deaf to expediency."

Just let these people know that all the special interest money in the world is not worth one penny unless it will buy the votes of the American people. I, and millions of other Americans who share your concerns over Constitutional rights and protecting our inventors' great new ideas, will be working night and day to see that people who have the character and integrity to stand up to this tremendous pressure are overwhelmingly re-elected.

I challenge the people supporting this Bill to come out of the closet, face the American people, and have an open debate on this issue, but I won't hold my breath waiting for them to do it. That is not the way they operate, and they will all be embarrassed if they attempt to do it.

I will pay for the television time to allow a national debate on this issue. The only problem we will have is that the people who are for this Bill will not show up, because it cannot withstand the light of public scrutiny, and they will pressure the television networks not to sell the time.

If this Bill passes, A Constitutional lawsuit will be filed immediately. Foreign nations and corporations will know that the 21st Century pirates for hire reside in the U.S. Congress. Those who vote for it will be paid off handsomely. The people who voted for it

will be forced to defend their actions in their 1998 campaigns. It will be a major Constitutional violation issue in the 2000 campaigns.

Isn't it time for our elected officials to stop debating whether their actions are legal or illegal, and ask only one question, "Is it right or wrong?"

Finally, before voting for this Bill, ask every member of the House and Senate who plan to vote for this Bill, to read the words of Isaac Hull, Captain of the U.S.S. Constitution, Old Ironsides—"If that fellow wants a fight, we won't disappoint him."

Again, thank you for your leadership—thank you for your courage—thank you for standing on principle.

Sincerely,

ROSS PEROT.

[From the New York Times, Oct. 17, 1997]

A BAD PATENT BILL

The Senate is considering a misguided bill to recast the patent laws in ways that would threaten small inventors and dampen the innovative spirit that helps sustain America's economy. The bill is so mischievous that it has attracted an unusual coalition of opponents—including the icon of liberal economists, Paul Samuelson, the icon of conservative economists, Milton Friedman, and 26 other Nobel Prize-winning scientists and economists.

Patent laws currently require inventors to disclose their secrets in return for the exclusive right to market their product for up to 20 years. Early disclosure helps the economy by putting new ideas immediately into the hands of people who, for a fee to the patent holder, find novel and commercially applicable uses for these ideas. Extended protection, meanwhile, provides a huge incentive for inventors to keep inventing. The American system generates more and better patent applications than any other country's.

The Senate bill would weaken patent protection for small inventors by requiring inventors who file for both American and foreign patents to publish their secrets 18 months after filing rather than when the patent is issued. Small inventors say that premature publication gives away their secret if their application fails. It would also allow large corporations with the financial muscle to fend off subsequent legal challenges to maneuver around the patent even if it is later issued.

Worse, the bills would encourage corporations to avoid the patent process altogether. Under current law, companies that rely on unpatented trade secrets run the risk that someone else will patent their invention and charge them royalties. The Senate bill would permit companies whose trade secrets are later patented by someone else to continue to market their products without paying royalties. Encouraging corporations to hide secrets is the opposite of what an economy that relies on information needs.

Pesky patent holders do in fact get in the way of large corporations. But the economy thrives on independent initiative. Small inventors need ironclad patent protection so that they are not forced into a legal scrum with financial giants. The House of Representatives and the Senate Judiciary Committee approved the patent bill without hearing the country's leading economists and scientists make their case. Senate sponsors now say they will try. Congress needs to hear the critics out before proceeding to any more votes. ●

CONNECTICUT TEACHER OF THE
YEAR

● Mr. DODD. Mr. President, I rise today to offer congratulations to an