

(CRADA) entered into under section 12 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a)."

The change virtually eliminates the practical rights of the public to raise objections to the use of an exclusive license or to even question the terms of the license (including the scope of the exclusivity).

3. THE INCREASED SECRECY ON LICENSES UNDERMINES THE PUBLIC'S RIGHTS AND REDUCES ACCOUNTABILITY

There are a number of current cases where the public is seeking information about government licenses, including such items as the royalties or other considerations paid for the license, the revenues from the invention, information about the availability of the invention to the public, or justification for prices charged consumers.

H.R. 209 modifies existing statutory language to require that such information be secret from the public. Language in 35 U.S.C. section 209 that says that information "may be treated by a federal agency as . . . privileged and confidential and not subject to disclosure under" the freedom of information act, is changed to say that such information "shall be treated as privileged and confidential. . . ." NIH licensing officials claim the change from "may" to "shall" will make a much broader amount of information secret, including even basic information such as the amount of money received by the government as payment for use of a patent. Indeed, in section 10 of H.R. 209, federal agencies are not even permitted to report statistical information on royalties received for licenses, if "such information would reveal the amount of royalty income associated with an individual license or licensee."

This is truly adding insult to injury. Not only will the public be denied a practical opportunity to stop an agency from giving an exclusive license on a government owned patent or to effectively challenge the terms of the patent—taxpayers will not even be permitted to know what the terms are!

4. PROBLEMS IN LICENSING OF FEDERALLY FUNDED INVENTIONS.

There are currently significant disputes regarding the use of exclusive licenses for a wide range of government funded inventions, including inventions in the areas of software, computing equipment, biotechnology and medicines.

Regarding the areas of licensing of government funded medical inventions. The existence of public notice permits consumers or potential competitors to object to the use or scope of exclusive licensing. For example, when Bristol-Myers (Squibb) sought an extension of its exclusive license to cis-platin, a cancer drug developed at taxpayer expense, Adria Laboratories, Stuart Pharmaceuticals, American Cyanamide, Elkins-Sinn and Andrulis Research objected to the proposed extension, arguing that the public interest would be served by non-exclusive licensing. Andrulis suggested non-exclusive licensing be coupled with higher royalties to fund cancer research. As a result of the public comments, Bristol-Myers offered to lower the price of cis-platin by 30 percent and fund \$35 million in extramural cancer research, in return for the extension of the license.

More recently there has been considerable controversy over Bristol-Myers Squibb's licensing of government data and patents relating to the cancer drug Taxol and the HIV drug ddI, as well as Bristol-Myers policies regarding pricing of d4T, another government funded HIV drug. Also, public health groups who are interested in malaria are concerned about efforts by SmithKline Beecham to obtain exclusive rights to new malaria drugs invented by the US Army and Navy. In many of these controversies, public health groups

are seeking to obtain basic economic information, such as the royalty rates paid on the licenses, the amount of sales of the products, or the amount of money the company will spend on subsequent development of the government invention. These are not trivial disputes. Bristol-Myers Squibb claimed to have spent \$114 million to develop Taxol, but subsequent data placed the BMS contributions at less than \$10 million prior to FDA approval of the drug. The decision by the NIH to grant BMS exclusive rights to two "treatment regime" patents on doses of Taxol extended the Taxol monopoly at least 30 months, costing consumers and taxpayers \$1.27 billion, according to one study (Richard P. Rozek, Costs to the U.S. Health Care System of Extending Marketing Exclusivity for Taxol, N.E.R.A., Washington, DC, March 1997).

The current controversy with ddI, a US government patented AIDS drug, illustrates some of these problems. The Bush Administration granted Bristol-Myers 10 years of exclusivity on ddI, beginning 1989. Patient groups are trying to determine when or if Bristol-Myers will seek to extend the exclusivity on the patent. The pricing of ddI is considered highly suspect by AIDS patients. Patient advocates would like to find out when such a patent extension is proposed, and to insist on public disclosures of revenues and development costs, to determine if the exclusivity should be continued. Like all AIDS drugs, ddI is expensive, both for consumers and for taxpayers who fund care for many AIDS patients. Competition is expected to lead to significant decreases in prices. Under HR 209, the extension of the patent exclusivity could easily be done before patients could even find out about the proposed extension. Indeed, this may have already happened, due to the difficulty in monitoring such license extensions, and the unwillingness of the NIH to make it easier to monitor these issues or even answer questions about the licenses. But by reducing the notice requirements to 15 days, the public will have no rights.

In some cases, NIH funded inventions are priced at more than \$100,000 per year. It won't be long before we see prices higher than \$1 million per year per patient for some drugs. How can the US government justify issuing exclusive licenses for life and death therapies, without giving the public the right to speak, or to even find out what the terms of the license are? And why do policy makers permit drug companies to make ludicrous and clearly false public statements regarding the costs of bringing US government pharmaceutical inventions to market, and then make all data on the real costs a state secret?

If the purpose of HR 209 or S. 804 is to make it easier to get exclusive rights on government property, the legislation succeeds. If the purpose is to protect the public's rights in taxpayer property, the legislation fails. We think the second issue is the one that needs greater attention by our elected members of Congress.

HONORING THE STUDENTS OF LAKESHORE ELEMENTARY SCHOOL

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. KIND. Mr. Speaker, I rise today to pay tribute to the students of Lakeshore Elementary School in Eau Claire, Wisconsin. I want to

recognize their true concern and compassion for the innocent children in Kosovo.

The story of Sadako and the Thousand Paper Cranes, by Eleanor Coerr, is a story of strength and courage of one young child diagnosed with leukemia after being exposed to radiation from the atomic bomb dropped on Hiroshima, Japan on August 6, 1945. Sadako tried to make 1,000 paper cranes, which according to legend, would bring her long life. The students of Lakeshore Elementary School gathered together on May 10, 1999, after watching a movie about Sadako and successfully made 1,000 paper cranes in honor of the children in Kosovo. Through their dedication in making these 1,000 paper cranes, the students in my district have become active participants in the international community. They have become messengers of peace and have shown the importance of supporting the children of Kosovo during this time of difficulty.

I hope to visit the Balkan region in the near future and personally deliver some of these special paper cranes and inform some of the children of Kosovo that there are children in the United States who are concerned about their fate. On behalf of the students of Lakeshore Elementary School, I will be able to offer the children of Kosovo these paper cranes as symbols of courage and long life. I salute the Lakeshore Elementary School students, faculty and staff including Dr. Mary Seitz, and Lucianne Boardman for inspiring peace and understanding throughout the world.

TRIBUTE TO KARL F. BAUMANN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Mr. Karl F. Baumann for his outstanding dedication to the growth of Mariposa County. Karl was a "strong and commanding" man who had a vision to develop the barren acres of Cathey's Valley into a town successful in both business and community.

Karl ventured into Cathey's Valley from Southern California 16 years ago when he purchased an 800-acre ranch. It was then that Karl had a vision to develop this ranch into something more. To fulfill his vision of a sound and safe community, Karl subdivided his ranch and built The Whispering Oaks Estates, currently home to many Mariposans. The next project that Karl embarked upon led to the creation of the Cathey's Valley business park. Since then, the business park has contributed greatly to the economy of Cathey's Valley and Mariposa County.

Karl's leadership was also noted by his membership in the #98 Masonic Lodge in Hornitos, the Mariposa County Board of Realtors, and as owner of the Cathey's Valley Realty and Development. Karl has been credited for the amazing growth of Cathey's Valley by many of his colleagues and friends.

Mr. Speaker, it is with great honor that I rise today to recognize Mr. Karl F. Baumann for his leadership and strength in paving the way for a successful community to grow and flourish. His contribution to the San Joaquin Valley is incomparable. I urge my colleagues to join

me in wishing the Baumann family and Cathey's Valley continued success for the years to come.

A TRIBUTE TO DUANE
ROHMALLER

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. SHIMKUS. Mr. Speaker, I would like to take this time to honor Duane Rohmaller of Christ Lutheran Church and School in Costa Mesa, California upon the announcement of his retirement following forty-one years as a valued Lutheran educator, administrator and friend.

Mr. Rohmaller's friends and admirers are planning a weekend celebration to honor his many contributions to our children, our communities, our faith and our future.

I know Mr. Rohmaller best from his service as my eighth grade teacher at Holy Cross Lutheran School in Collinsville, Illinois. When I reflect on all that he taught me, I am reminded of Proverbs 22:6 "Train up a child in the way he should go: and when he is old, he will not depart from it."

Thank you Mr. Rohmaller for your teachings, your values, your commitment and your love of our faith. Your life's work will continue to make a difference for generations to come.

PENALTIES FOR EXPOSING THE
IDENTITIES OF INTELLIGENCE
AGENTS

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. DELAY. Mr. Speaker, I insert the following speech for the CONGRESSIONAL RECORD.

MANDATORY PENALTIES FOR EXPOSING THE
IDENTITIES OF U.S. INTELLIGENCE AGENTS

Mr. Speaker, I commend Congressman Sweeney for bringing this subject to our attention. The nation is being confronted every day it seems with graver and more alarming revelations about breaches of our national security at our weapons labs and other facilities. It should not be overlooked that it was due in large part to the efforts of our intelligence agents that these breaches were first suspected and then subsequently investigated by the FBI and others.

So, it is appropriate at this time to increase the protection for both current and former covert intelligence officers around the world by increasing the criminal penalties for those who willfully divulge their identities to the world. Anyone who deliberately puts American agents' lives, those of their families, and America's security at risk should face a minimum sentence in prison as well. Mr. Sweeney's amendment does that by establishing mandatory minimum sentences for willfully identifying covert agents.

As many of us recall, the current law, the Intelligence Identities Protection Act, was passed after the CIA Station Chief in Greece, Richard Welch, was assassinated after Counter Spy exposed his identity. Ex-CIA agent Phillip Agee was also responsible for repeated disclosures of the names of intel-

ligence personnel and the Supreme Court held that such disclosures are not protected under the First Amendment.

The amendment also addresses the absurdity in the law that allows people to obtain information about former U.S. intelligence activities under the Freedom of Information Act, but does not prohibit people from turning around and identifying intelligence agents who have retired.

To address this shortcoming, the amendment expands the law to include former covert agents under its protections because identifying former agents, their activities and locations not only compromises on-going intelligence efforts, but exposes the former agents and their families to danger and retaliation from our nation's adversaries.

Any individual who has served our country at considerable risk to themselves and their families deserves all the protection we can provide under the law—not only while they serve, but when they retire as well. In this day of vicious, global terrorism, exposing current or former intelligence agents should be subject to severe and mandatory criminal penalties.

The amendment does that and I urge members to vote for it.

TRIBUTE TO RUSSELL "RUSTY"
BERRY

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. BERRY. Mr. Speaker, I rise today to recognize a great Arkansan and great American.

He is my wonderful brother Russell (Rusty) Berry. Rusty was the last of four children born to Eleanor and Lloyd Berry in the Bayou Meto community of Arkansas County, Arkansas. They would be filled with pride to see him today, successful and responsible.

Since he was ten years younger than his siblings the opportunity to be spoiled was great. He managed to overcome the influence of his siblings to become an accomplished attorney and stepfather.

The loss of both parents before he finished high school presented a situation that could have been quite negative, but because of strong character passed on to him from our wonderful parents, he managed to successfully negotiate the treacherous waters of the seventies.

As a country lawyer he continues to serve all the people with great skill and not just the ones that can pay. He is a credit to his profession, community, and family.

He is one of the Berry Brothers. This means that he is always there when needed and never questions the need. It also means he has shared many pleasurable days in the field or woods with these same brothers.

He is admired and loved by his nieces and nephews along with his step children. Uncle Rusty being around always brings excitement and anticipation for the children.

He is a part of a vanishing group that came from the Bayou Meto-One Horse Store community where being neighbors and helping each other was a way of life.

The world is a better place for his having been here, and we are all richer because he is part of our family.

I am proud to call him my brother, and think of him with great love and affection.

HONORING CHABAD OF THE FIVE
TOWNS ON THEIR SECOND ANNUAL
DINNER TO "CELEBRATE THE DREAM"

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today to honor Chabad of the Five Towns on the occasion of its Second Annual Dinner to "Celebrate the Dream," on May 25th, 1999 and their honorees Mr. and Mrs. Simon Eisdorfer, Mr. and Mrs. Jeffrey Mark, Dr. and Mrs. Stanley Nussbaum and Dr. and Mrs. Justin Cohen.

I would also like to pay tribute to their spiritual leader, Rabbi Shneur Wolowik, who guidance, dedication, compassion and spirituality has helped Charbad of the Five Towns reach this milestone.

Chabad of the Five Towns opened its doors four years ago with the mission of translating deeply-rooted Jewish concepts into a practical foundation of life, just as the Chabad Jubavitch movement has done for over two centuries.

Chabad reaches out to fellow Jews on a global scale with over 2,300 centers worldwide. In the Five Towns, they have helped hundreds of families both spiritually and materially, whether it be a new immigrant, someone in need, a youth in trouble, or a family or individual who wants to learn more about their heritage, Chabad is there to help. In addition, they believe Judaism should be celebrated with joy, excitement, and enthusiasm, whether it be a holiday celebration, a Passover Seder, a Shabbaton Dinner, a family barbecue, or an outing.

Most importantly, Chabad sees its children as proud Americans, knowledgeable of our country's rich history and democratic ideals, and is pleased with the special relationship between Israel and the United States.

I commend Chabad for its philosophy of inclusion and acceptance, treating every human being as special and worthy, deserving of attention and support, regardless of their religious affiliation or background. It is this embracing of all, without expecting anything in return, that has given impetus to the impressive growth of the Chabad of the Five Towns. After only four years, they are now "Celebrating the Dream" of a beautiful new expanded facility in which they can continue to serve the community. I wish to thank them for their tireless efforts and outstanding contributions that have bettered the lives of so many.

INTRODUCTION OF H.R. 1789

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. PAUL. Mr. Speaker, I rise today to enlist support for a bill I have introduced to repeal statutes which have now resulted in more than one hundred years of government intervention in the marketplace. In 1890, at the behest of Senator Sherman, the Sherman Antitrust Act was passed allowing the federal government