registered on the principal register, the person who asserts trade dress protection has the burden of proving that the matter sought to be protected is not functional.''.

SEC. 6. TECHNICAL AMENDMENTS.

(a) ASSIGNMENT OF MARKS.—Section 10 of the Trademark Act of 1946 (15 U.S.C. 1060) is amended—

(1) by striking ''subsequent purchase'' in the second to last sentence and inserting ''assignment'';

(2) in the first sentence by striking ''mark,'' and inserting ''mark.''; and

(3) in the third sentence by striking the second period at the end.

(b) ADDITIONAL CLERICAL AMENDMENTS.—The text and title of the Trademark Act of 1946 are amended by striking ''trade-marks'' each place it appears and inserting ''trademarks''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on S. 1259.

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

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

I rise today, Mr. Speaker, in support of S. 1259, the Trademark Amendments Act of 1999, and urge the House to adopt the measure.

This bill is nearly identical to H.R. 1565, the Trademark Amendments Act of 1999, which the House Committee on the Judiciary favorably reported on May 26 of this year.

This legislation makes significant and necessary improvements in the trademark law.

The Subcommittee on Courts and Intellectual Property and the Committee on the Judiciary support S. 1259 in a bipartisan manner. I urge its adoption today.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1259, the Senate trademark bill that is substantially similar to the bill reported out of the Committee on the Judiciary earlier this year, H.R. 1565.

This legislation is a necessary follow-up to the Federal Trademark Dilution Act of 1995, which was enacted last Congress and which gave a Federal cause of action to holders of famous trademarks for dilution.

The bill before us today is necessary to clear up certain issues in the interpretation of the dilution act which the Federal courts have grappled with since its enactment.

In particular, S. 1259 would provide holders of famous marks with a right to oppose or seek cancellation of a mark that would cause dilution as provided in the dilution act.

The legislation enacted in the 105th Congress authorizes injunctive relief after the harm has occurred, while the legislation before us today will allow the right to oppose or seek cancellation of a mark hopefully before harm has occurred.

While we today take up the Senate bill, it is substantially the same as the House bill on which a hearing and committee markup occurred earlier this year.

I urge my colleagues to support S. 1259.

Mr. Speaker, I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the Senate bill, S. 1259.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PATENT FEE INTEGRITY AND INNOVATION PROTECTION ACT OF 1999

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1258) to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office, and for other purposes.

The Clerk read as follows:

S. 1258

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Patent Fee Integrity and Innovation Protection Act of 1999''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be made available for the payment of salaries and necessary expenses of the Patent and Trademark Office in fiscal year 2000, $116,000,000 from fees collected in fiscal year 1999 and such fees as are collected in fiscal year 2000 pursuant to title 35, United States Code, and the Trademark Act of 1946 (15 U.S.C. 1051 et seq.), except that the Commissioner is not authorized to charge and collect fees to cover the accrued indirect personnel costs associated with post-retirement health and life insurance of officers and employees of the Patent and Trademark Office other than those charged and collected pursuant to title 35, United States Code, and the Trademark Act of 1946.

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on October 1, 1999.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

□ 1500

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration and to insert extraneous material in the RECORD.

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

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

I rise today, Mr. Speaker, in support of S. 1258, the Patent Fee Integrity and Innovation Protection Act, and urge the House to adopt the measure.

This bill is identical to H.R. 1225, the Patent and Trademark Office Reauthorization Act for Fiscal Year 2000, which the House Committee on the Judiciary favorably reported on June 9. This legislation is premised on the same policy goal as last year's version, namely, to prevent the diversion of revenue generated by special surcharges from the Patent and Trademark Office. The point of S. 1258 is straightforward and necessary, to allow the agency to keep all the revenue it raises in user fees to benefit American inventors and trademark holders. The Subcommittee on Courts and Intellectual Property and the Committee on the Judiciary support S. 1258 in a bipartisan manner, and I urge its adoption today.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the minority, I am happy to rise in support of S. 1258, a bill to reauthorize the Patent and Trademark Office.

S. 1258, like H.R. 1225, reflects bipartisan opposition to surcharges on patent applications and support for fees that will fully fund the PTO and its obligations to its retirees. The bill explicitly authorizes the use of carryover funds to pay for the expense of the Employees Health Benefits and Life Insurance Funds.

The Patent and Trademark Office is 100 percent funded through application and user fees which all too often in the past have been diverted to other agencies and programs to the detriment of the efficient function of our patent and trademark systems. S. 1258, like Public Law 105–358 from the last Congress, reflects our resolve that this practice be firmly a matter of past history.

Mr. Speaker, I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume. Not unlike S. 1260 regarding the gentleman from California (Mr. BERMAN), the gentleman from California has also worked very closely with us on this bill and the previous bill and concurs in its passage.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the Senate bill, S. 1258.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

REGULATORY RIGHT-TO-KNOW ACT OF 1999

The SPEAKER pro tempore. Pursuant to House Resolution 258 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1074.

□ 1503

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1074) to provide Governmentwide accounting of regulatory costs and benefits, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from California (Mr. WAXMAN) each will control 30 minutes.

The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Chairman, I yield myself such time as I may consume. The gentleman from Indiana (Mr. MCINTOSH) is unavoidably detained and will be here shortly and asked me to proceed.

Mr. Chairman, I rise in strong support of H.R. 1074, the Regulatory Right-to-Know Act, of which I am proud to be a cosponsor. Once again, the Congress is taking the lead in enhancing the accountability of the Federal Government to the American people.

The Regulatory Right-to-Know Act is a bipartisan bill that will allow us to better understand the impact on our economy of Federal regulations and bureaucratic red tape. It requires the Office of Management and Budget to submit an annual accounting report that estimates the costs and benefits of Federal regulatory programs.

The importance and timeliness of this legislation cannot be understated. Recent studies estimate the compliance costs of Federal regulations at more than $700 billion annually. Unfortunately, these costs amount to a hidden tax passed on to hardworking Americans in the form of higher prices, reduced wages, stunted economic growth and decreased technological innovation.

Just think, if we could lower the cost of Federal regulations by just one-seventh of that amount, $100 billion per year, it would have the effect of a $1 trillion tax cut for the American people over 10 years. That is $200 billion more than the tax cut we fought so hard to pass just last week.

But to lower the costs, we have to know the costs. The Regulatory Right-to-Know Act will provide this valuable information, helping regulators make better, more accountable decisions.

Mr. Chairman, I do not believe that all regulation is bad, but we ought to know the true cost of these actions so that we can judge how useful they really are.

I urge my colleagues to support H.R. 1074 to begin this important review.

Mr. Chairman, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to H.R. 1074, the so-called Regulatory Right-to-Know Act of 1999. This legislation would require the Office of Management and Budget to prepare an extensive annual report on the aggregate costs and benefits of Federal regulations, by agency, by agency program and by program component.

For the past 2 years, Congress has enacted appropriations riders that require OMB to tabulate the costs and benefits of major Federal regulations. Some observers have found this annual cost-benefit report to be helpful. They argue that it shows the health, environmental and other benefits of Federal regulations and how those benefits far outweigh their costs.

For example, the 1998 Report to Congress on the Costs and Benefits of Federal Regulations concluded that those benefits far exceeded the costs by anywhere from $30 billion to $3.3 trillion. Well, that is a good report supporting the benefits of these regulations and how they outweigh the costs of the regulations. That is what we want to know.

But other observers have questioned the utility of these annual reports. According to the OMB, the Office of Management and Budget, aggregating costs and benefits of regulations are, they say, of little value to policymakers because they offer little guidance on how to improve the efficiency, effectiveness or soundness of the existing body of regulations. Why? Why would that be the case? They say, because the information available includes enormous data gaps, accurate data is sparse and agreed-upon methods for estimating costs and benefits are lacking.

Furthermore, critics like Professor Lisa Heinzerling of the Georgetown University Law Center say that the difficulty in quantifying benefits is likely to cause skewed results. Comparing aggregate, quantifiable costs, such as the dollar cost to comply with regulations, is easier to do than to quantify the really basically unquantifiable benefits, such as lives saved or a cleaner and healthier environment, and so to compare the two may mislead the public about the net benefits of regulation.

Well, whatever the merits of the current annual report that is being prepared by OMB, this bill is seriously flawed. First of all, this bill does not codify the idea that we will have annual reports. Instead, it dramatically expands these requirements in ways that will substantially increase the burdens on OMB, raise the costs to the taxpayers, and produce little significant new information.

In short, if H.R. 1074 were itself subject to a cost-benefit analysis, it would flunk.

One of the major problems in this bill is its scope. Currently, OMB prepares an annual analysis of the costs and benefits of ''major'' regulations with an annual economic impact of over $100 million. This makes some sense. There are relatively few major regulations. Out of the 5,000 regulations issued in the Federal Register each year, only about 50 have major economic effects. The limitation to major regulations allows OMB to focus its analysis on the most important and costly regulations.

Moreover, agencies that promulgate these major regulations have to prepare cost-benefit regulations as part of the rulemaking process, so this gives OMB a database to draw from.

But this bill, H.R. 1074, is not limited to major regulations. It requires a cost-benefit analysis of all 5,000 regulations issued each year. According to this bill, the report must include, quote, an estimate of the total annual costs and benefits of Federal regulatory programs, including rules and paperwork; one, in the aggregate; two, by agency, agency program, and program component; and, three, by major rule. This would therefore require agencies to perform cost-benefit analysis for all rules in order to provide OMB with the information it needs to compile the aggregate report.

This simply does not make sense. OMB testified that this bill would require OMB and the agencies to compile detailed data that they do not now have, and undertake analyses that they do not now conduct, using scarce staff and contract resources. That is because there is no such information available for these 5,000 nonmajor rules.

The administration says that the increased burden that this would place on the agencies would crowd out other priorities and would add little value. We have heard similar comments from unions, consumer groups and environmental organizations. Groups opposed to H.R. 1074 include the AFL–CIO, the American Federation of State, County and Municipal Employees, Public Citizen, the Natural Resources Defense Council, the Sierra Club and dozens of other national and local public interest groups.

Before the committee markup in May, we reviewed the Federal Register to see what types of rules would be subject to this new cost-benefit analysis. One example was a temporary rule issued by the Coast Guard governing the operation of a drawbridge near