

Now, in order to fix this, Representative MANZULLO and myself have introduced the Internet Radio Equality Act, it's H.R. 2060, and this bill would fix this problem by doing something that appears eminently fair to me, which would simply have the same rate to be paid by Internet-based Webcasters as broadcasters now pay over satellite radio, over cable radio and over juke boxes.

□ 2000

What we are simply saying is that we ought to have equality, fairness, that is why we named it the Radio Equality Act, by having parity, the same level, which is 7.5 percent of revenue, a transition rate, in 2010. This is something that is fair, equal, and economically realistic to allow 70 million Americans to continue to enjoy their radio over the Internet. And now, 128 Members of the U.S. House of Representatives have cosponsored this bill just in a matter of a month or two; and the reason they have done so is I think they have heard from their constituents who want to keep their service going and realize how ridiculously out of whack this particular decision was.

Now, I know it may surprise some Americans to know that government agencies can make mistakes, but certainly one was made here and we need to fix it, and we need to fix it quickly. On July 15, this decision will go into effect. I encourage my colleagues to look at this bill, H.R. 2060, the Internet Radio Internet Equality Act, and cosponsor it to add their voices to the choir to demand action by the legislature to fix this bureaucratic foul-up.

Obviously, this is supported by a large number of people, not just broadcasters. National Public Radio certainly has an interest in this. I know that many of my constituents enjoy it, and it is in great jeopardy tonight if we don't act. I know one station has already gone off the air because of this bureaucratic snafu. The NPR affiliate Rock Island Illinois-based WVIK served hundreds of thousands of citizens. They have switched off their Web stream because this is an economically untenable situation for them if it is not fixed. So what their constituents and their customers are now hearing over the Internet is silence. Silence may be better than some of the music my kids have listened to over the years, but it is not better than the thousands of stations and access that people have over the Internet. We want to keep that available for Americans.

I also want to say that why I think this is so important is diversity. One of the best things about the Internet is it gives you what you want, not what the broadcaster wants you to listen to. And, frankly, because of the consolidation of the industry and the radio over-the-air industry, we are hearing a lot more of the same thing over and over and over again. And some of it is great music. We are still stuck in the 1960s, many of us, and we enjoy it, but diver-

sity and having access to Appalachian bluegrass or music from the subcontinent of India; I heard of a genre, it was basically heavy metal, hip-hop, country at the same time, and that is quite a genre. But this provides diversity for people, and they ought to have their multiple tastes enjoyed and that is really in jeopardy tonight.

Now, the other thing I want to say is that this decision will go into effect July 15, and these stations will be in great economic jeopardy beginning just in a week or so; and, unfortunately, some of them as of July 15 might shut off their streaming. Others are going to start to consider what to do. Some may consider going offshore, which is not a healthy situation for us for a variety of reasons.

But I want to assure the parties who might be involved in discussions in this that after July 15 it will not be the end of this discussion. If Congress is unable to act before July 15 and if the parties don't reach some resolution of this, July 15 will not be the end of this effort. It will not be the beginning of the end of this effort; it might be the end of the beginning of this effort, because as these stations start to shut down, Congress will be deluged more than they have already been deluged with voices of protestation exercising their right to petition their government for redress of grievances, and one of the biggest grievances people are going to have is they can't hear their radios over the Internet anymore. The 128 cosponsors we have today even before the sword of Damocles has fallen on the music is going to grow, and we are going to be back here to continue to grow this until we get relief.

So I am hopeful that the parties are talking to one another to try to reach an economically viable and fair resolution of this so that artists, performers, songwriters can continue to have a meaningful economic model, so they can continue to do their work and they will be compensated for it; that Webcasters can have an economic model to allow them to stream it over the Web, and 70 million Americans can continue to enjoy the pursuit of happiness over the Internet listening to this great music. If that does not happen by July 15, we are going to be back here until it gets resolved and this chorus, this drumbeat will continue. We do not intend to let, in the words of Don McLean's song, not allow the music to die. It is, too, a part of the American culture, and I will encourage my colleagues to help out by cosponsoring this bill.

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

STEAL AMERICAN TECHNOLOGIES ACT, THE SEQUEL

The SPEAKER pro tempore (Mr. WILSON of Ohio). Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. ROHRBACHER) is recognized for 60 minutes.

Mr. ROHRBACHER. Mr. Speaker, today I would like to discuss with the Members here assembled and those listening on C-SPAN and those who will be reading the CONGRESSIONAL RECORD an issue that may well be determined here on the House floor in the next few weeks, at least perhaps in this session if not in the next few weeks. It is an issue that will fundamentally alter and I would say dramatically diminish a constitutionally protected right and will have tremendous long-term consequences for our country; yet, very few people in this country know that this issue is coming before us. Very few of our Members even understand that an issue of this significance will be discussed here. But there will be a fight, and there is an issue of great importance that will emerge here in the not-too-distant future.

The fight over this issue of course is not a new fight. In the late 1990s, similar attempts were made at what will be attempted in the next few weeks. Those attempts were made, but they were defeated. They were defeated after the public was mobilized, and powerful forces that were at play here in our Nation's Capital were defeated. Without the public mobilizing against this particular change that was being proposed by the corporate elite here in Washington, our system of technology in the United States would have been dramatically impacted and the well-being of our people in the long run would be condemned.

The battle, which took place in the 1990s, lasted for years. Corporate pressure was brought to bear, and every attempt was made to accomplish what I consider to be an insidious goal through stealth, and it was being done in a way that would keep as low a profile as possible. We see that happening today. Very few of our Members know that there is an issue of this magnitude coming before us, but special interests are already at play. We see people, we see organizations being well financed to come here and talk to us about technology issues, not realizing the real purpose of these organizations and the financing behind them is to push forward a change that will dramatically impact America's ability to be the technological leader of the world and dramatically implicate our innovators and our inventors.

The American people, however, back in the 1990s, once alerted and made aware of the significance to our country of the changes that were being proposed, stood up and fought the good fight and beat back this attempt for fundamental change in a stealth manner. They in fact beat back the onslaught, but just barely. However, once the American people were made aware of the significance of what was going on, they won the day.

Does it sound familiar? Yes, it sounds tremendously familiar if you look at what just happened with the immigration bill in which the elites of this country were trying to foist upon us a

bill which would legalize the status of tens of millions of illegals that are in this country, only bringing tens of millions of more illegals into this country, an attempt to foist this off on the American people, to cover it up with clouds of smoke talking about a comprehensive bill whose only purpose was really to legalize the status, to give amnesty to those who are already here. And once the American people understood that, that bill was defeated.

We need that same type of mobilization if America's future generations are to be protected from the greatest theft of American technology and innovation that could ever be imagined by our people today.

Today, we face this onslaught that is very similar to that of the 1990s because the same goals are in mind by the same interest groups who would have fundamentally changed the American patent system, but they were defeated. Luckily, they were defeated because the American people, as I say, were mobilized. What we have here, as we had in the case of the fight on immigration, was that the issue itself, whether it is immigration or the fundamental changes being proposed to our patent system, are part of a greater threat. That threat which would manifest itself every now and then, perhaps four or five times a year we see this emerging, is part of a strategic maneuver by those who we would call globalists.

The fundamental threat is the globalism, which is being advocated and sometimes touted on television, et cetera, is something that, if we don't watch out, will be experienced at the expense of the American people. Globalism as it is being foisted on us as the immigration bill was will come at the expense of the American people of their freedom and their prosperity and, yes, even the safety of our country.

The battle at hand is the globalist strategy to deprive us, the American people, of the greatest source of our Nation's progress and strength: the creative genius of our own people; the innovation and technological leadership that has provided us with a decent standard of living for ordinary people and more freedom than any other country on the planet.

The globalists are at it again, seeking to change our laws in a way which would facilitate their power, would facilitate in this case the theft and transfer of American technology, the theft of the genius of our inventors, which has been one of our country's greatest assets.

People say, how could this possibly be? Well, how could it be that this Congress almost passed, there was a steam engine and a steamroller coming down the path at us that almost passed an immigration bill that would have brought millions, tens of millions, perhaps as many as 50 million more illegals into our country because we would have been legalizing the status of 10 million to 20 million illegals who

are here already. How did that almost happen? Well, it almost happened because there are forces at work in a democratic society.

In this case, the globalist forces, the same ones who were at play on immigration, the ones who thought it would be better for everybody if we just had an open border with Mexico, because that is what really was the goal by the immigration fight. The whole fight was all about big businessmen who thought it would be really good to have an open border so we could keep down wages, and of course the liberal left of the Democratic Party who felt that as many immigrants that we have swarming into our country gives them a political base. Well, those same people who are pushing that are now working to push through wholesale changes in our patent laws, changes that will undermine our independent inventors and allow our competitors to steal our technology, American technology, and seriously weaken our country and its competitiveness.

The legislative vehicle for this legalized larceny is H.R. 1908, which I call the Steal American Technologies Act. In this case, because it reflects a very similar bill that was attempted a few years ago, we will call it the Steal American Technologies Act, the Sequel.

□ 2015

It is a dramatic altering of our patent laws, and our patent laws that they're trying to change have been in place since our country's founding. Patent law, of course, is an issue that is somewhat obscure, and it is an issue that is very difficult to understand in that it is related directly to new and unknown technologies and science, and deals with complicated parts of American law.

The globalists have hoped that this issue will seem so perplexing that it will be ignored by much of the public and perhaps not even understood by most Members of Congress. Yet, how Congress resolves this issue, once it's brought before us in legislative form, will determine the future well-being of our people and the security of our country. It is just that important. Just as the immigration bill was important and important for the American people to get involved, this issue is of equal importance to that in terms of our future.

This Congress will determine the fundamental patent law, the legal protections, the organizational structure in which we deal with technology commercialization. All of this will determine what our country is going to be like in the next 50 years and who and what kind of power we will have as a people on this planet. We will be making a determination of what the patent law of the United States of America will be for this generation and future generations of Americans.

Of course, in the past, our Founding Fathers were in the same position;

they made the right decision. They put in place patent law, which now we are seeing the elite of this society and the globalists throughout the world trying to bring down this fundamental law that was put into place by our Founding Fathers.

Patent law is part of the American legal system and, as I said, it is something that perhaps has been taken for granted by the American people. Who pays attention to patent law? As I say, it's complicated, hard to understand.

However, every time we turn around, we can see that it is America's technological edge that has permitted the American people to have the highest standard of living in the world and permitted our country to sail safely through the troubled waters of economic crisis, of world wars and of international threats. It is American technology and our genius that has made all the difference when it counted. And it is the American patent law that has determined what technology and at what level of technological development that America has had.

This is not an obscure issue. This is an issue that will change our way of life. This is an issue of vital importance to every American, and it will determine the future standard of living of our people and the safety of our country.

We Americans came to this continent, by and large, as poor immigrants, millions of us. We faced the most undeveloped land imaginable. There was no land anywhere in the world at that time that was more undeveloped than the United States of America. When our Founding Fathers and mothers came here, they suffered deprivation. They were not safe. They were not prosperous. They died of hunger, and they worked very hard. And yes, we had space. Yes, we had lots of space and resources. But it wasn't the space and the resources that changed this group of huddled masses that came here, these poor souls that came here over those hundreds of years. It wasn't the resources and the space that changed their way of life and made them a prosperous and free people.

The secret of America's success is found not in our wide expansions or the deposit of minerals. Instead, the secret to our success can be found in the fact that our people had the freedom that our Founding Fathers fought for, and they had guaranteed rights, and also, of course, we, as a people, had a dream. We had a dream of a country where average people, yes, even people who are below average, can come and can prosper and can live at peace, a country made up of people from every part of the world, every race, every religion, every creed, every ethnic background, who could come and could live together in dignity and with liberty, and, of course, they could live free from fear. They could live with the understanding that everyone's child would have an opportunity to improve him or herself, to enjoy a rising standard of living that

was based on their hard work and, yes, as Martin Luther King said, on the content of their character.

We believed, as a people, in rights and believed these rights to be given by God and that the purpose of government was protecting these rights.

Well, most people, when they think of that, think of religion and think of speech and the right of assembly. But patent rights are a right of property. It's a right that is written into our Constitution. The United States of America is one of the only countries of the world to have written into its founding document, the Constitution, a section dealing with patent rights.

Let us note that in the body of the Constitution, before the Bill of Rights, the word right is only used once, and that is the right of an author or an inventor to own and control the product of his labor, his or her labor, for a given period of time.

In fact, Benjamin Franklin was a great inventor as well as one of our Founding Fathers and one of the great champions of liberty in the history of humankind, as was Thomas Jefferson, as was Washington.

It was George Washington who requested of the First Continental Congress that they pass, as one of their first laws, a patent law, the Patent Act of 1790, which became the foundation of America's technological progress from that point till today.

Others of our Founding Fathers were people who believed in freedom, but they also believed in technology. Visit Monticello and see what Thomas Jefferson did with his time after he penned the words of the Declaration of Independence and had served as President of United States. He went back to Monticello and spent his time inventing things, things that would lift the burden from the shoulders of labor. Yes, he, in fact, signed his name as the first Patent Commissioner of the United States, which was invested in the Office of the Secretary of State at that time.

Benjamin Franklin, the inventor of the bifocal and the stove, the potbellied stove, which made a huge difference in the well-being of people for hundreds of years thereafter.

These Founding Fathers were our Founding Fathers, and they knew that with freedom and technology, we could increase the standard of living of our people, all our people, not just the elite, but the average person could come here and live with a modicum of dignity and decency and prosperity in their lives.

Our people were not just the Americans who were here, our Founding Fathers knew that, but were the tens of millions of Americans who would come here in the future on such a grand scale. And we would know, and they knew that if the people were going to come here and occupy this land from one part of the continent to the other, that wealth would have been to be produced on a grand scale as well. It

couldn't be relied on just on brute muscle strength and the strength of animals.

Instead, our Founding Fathers knew that machines and technology would produce the wealth necessary to have a free and prosperous society. That's why they built into our Constitution the strongest patent protection of anywhere in the world, and that is why, in the history of mankind there has never been a more innovative nor creative people.

It's not just the diversity of our people that's given us this creativity. It's been the innovation and progress that was inherent in the way we structured our law, our patent law.

Recently I sat next to a Japanese minister over lunch, and he was telling me how Americans are always the ones who are coming up with the creative new ideas; what we do is just improve on those ideas, but we're trying to make our people more creative. And he was discussing different ways. And I said, it's real easy. All you have to do is make sure you change your patent system. You have a fundamentally different patent system than we do. He was shocked. He'd never thought of that.

And, in fact, the patent system in Japan was designed to help corporate interests utilize technology rather than protect the rights of the creators of new ideas. And of course, if the creators are being bullied and robbed, they're not going to come up with much. And guess what? In Japan, they don't, because your Shogun system of elitists in Japan steal the technology from their own creative people, and thus, their people don't create.

Americans have known that they have rights to own their own creations since the founding of our country. That has become part of our character, although most people don't relate it back to the law. Most people don't relate the character of our people back to the law when it comes to freedom of speech and those things in our Constitution as well, freedom of religion. But they are so important to the development of our national character. We would have had a different national character without those rights and without the rights that were granted to our inventors and our technologists in our Constitution by our Founding Fathers.

Everyone has heard about Thomas Fulton's steamboat. Well, let me note that Thomas Fulton didn't invent the steam engine. He invented the steamboat. Because in Europe and elsewhere, they didn't see technology necessarily as something that was very good. The average person thought technology was going to replace me as a job, and the steam engine was not permitted to be used there.

In the United States, the American people always understood machines will help produce more wealth. It will magnify the production and the by-product of our labor, and it's good for people to have a society which has more wealth rather than less.

So Mr. Fulton put that steam engine on a boat and put it to work because we knew, and the American people as well as our leaders knew, that machines, good technology will help all the people of a country.

Cyrus McCormick invented a reaper that helped produce more food so people were well fed in this country, as compared to other societies which have had so many famines.

Samuel Morse invented the telegraph, which led to the telephone, et cetera. Thomas Edison, the light bulb, and so many other inventions.

Black Americans, here's something that is never recognized too much out of the Black community, but Black Americans have been prolific inventors. Even at times of mass discrimination against our Black fellow citizens, the patent office and rights, property rights for inventions were respected, and the Black community succeeded in, perhaps more than any other community compared to their numbers, in offering inventions and innovations.

Jan Metzlinger was a Black, former Black slave who invented a machine that was used in the manufacturing of shoes which dramatically changed the shoe industry. And before then, Americans had one pair of shoes. They could expect to have one pair of shoes in their life. And it was a Black man who invented the machine that made the production of shoes so effective and efficient that people could have different shoes. And when they wore out, they didn't have to wear shoes that had holes in the bottom of them.

George Washington Carver, one of the great renowned American inventors, respected by scientists, respected throughout the world; there are so many examples of Black inventors, because their rights in that area, that one little area of the Constitution, while they were being suppressed in other areas, their rights for ownership of patents was respected and thus, in that area, they prevailed and they flowered. And they invented things that did wonderful things for our country and the rest of our population. It's too bad it took so long for us to catch up in the other areas of protecting the rights of Black Americans. But they can be proud that, even during the time when they were under suppression, that they were able to succeed in developing new creative ideas that helped this entire country.

We are proud of our history of technologies, because we know, as Americans, as we have always known, that these inventions, no matter who invented them, would produce more wealth with less labor and thus increase the standard of living of all of our people and the opportunity of all of our people. And thus, it built a society which we have become very proud of and that we should be proud of.

But I suggest today that if we change those fundamental laws, which this bill is attempting to do, we will obliterate, in one or two generations, the great

progress that we've experienced in the standing of the American people among the nations.

Yes, we look back at the Wright brothers; we remember them. The Wright brothers, who were they? They were men with little education, probably like Mr. Metzlinger. I just mentioned he worked in a shoe factory. These men worked in a bicycle shop, and they ended up inventing something about 100 years ago that they were told was absolutely impossible by the experts.

□ 2030

Yet they went ahead and they received a patent. They received a patent on how to shape the wing of their airplane, and they changed the future of mankind forever as we uplifted humankind off the ground and put us on a road to the heavens. Two Americans, ordinary Americans, not rich people, not educated greatly. Two people who ran a bicycle shop. These are the people we are proud of because we understand that is what America is all about that these people have their rights and freedom.

Innovation, a great creative genius, is the miracle that produced our wealth. Not just the muscle. It was the genius of our people. It was the tenacity of the Wright brothers and Cyrus McCormick and others and their genius that produced the wealth and produced these technologies that have changed all humankind and all Americans. And this creativity that we are talking about was protected by law.

We have treated the intellectual property rights in this country and the creation of new technology just as we have treated other rights. They are property rights and they are respected. They have been part of our country, part of our law, that individuals have a right, as determined by our Constitution and as outlined in our first fundamental laws since 1790, that these property protections would be afforded to American inventors. And that is what America is all about. Every one of us has that kind of opportunity.

Does anyone think that in World War II and in the Cold War that it wasn't our technological genius as well as our commitment to freedom that carried the day? We didn't fight the Germans and the Japanese man to man, just as in the Cold War, we didn't fight the Russians and the Chinese man to man in great battles. No. What happened is, if we would have tried to match them in pure muscle power, we would have lost. Instead, our aerospace workers, our scientists, our inventors, our computer specialists, our missile technicians, our rocket builders, and, yes, those scientists who came up with and are currently about to deploy a strategic missile defense system for the United States, all of these technological workers helped make the difference in those challenges to our national security, whether against the Nazis and the Japanese militarists or

the communists. And, yes, perhaps even against radical Islam, should some regime there or in North Korea send a missile in our direction, our technologists may well be providing us a defense. Yes, we won the Cold War without having to suffer a massive conflagration because we relied not only just on the courage and the faith and the freedom but also in the superior technology that was flowing from our people. And that was because our American inventors were matched by no one in the world.

Today it is my sad duty to inform my fellow colleagues and the American people that we face a great historic threat. This threat comes at exactly the time when our country faces economic challenges from abroad as never before. We must prevail over our economic competitors because they are at war with the well-being of the American people. We must win or our country's people will lose. If we lose this battle, our people will suffer, their standard of living will suffer, their freedom will suffer. Future generations will see their standard of living decline as well as the safety and strength of our country. If we do not remain the technologically superior power on this planet, we will face new challenges and we will be defeated and our people will no longer have the prosperity and the rights that were the dream of those founders who came here 300 years ago to inaugurate this wonderful country, the United States of America.

Our adversaries have identified technology as our strong point. They see it right away. Americans are innovative, just like that Japanese minister that I was talking about. Americans are innovative. We have the new ideas, the new concepts. We have the ways of coming up with a different twist. We have the can-do spirit. There is nothing that can't be done with freedom and technology.

Well, they have identified this as our strong point. But it is also a weak point in that many Americans have no idea what legal structure was established that has protected this part of the American character, this legal establishment, this legal foundation that has permitted us to have creative people and build this type of genius within our society.

What I have been talking about is the fundamental patent law of our country. Our economic adversaries and their allies are engaged in a systematic attack on the patent rights of the American people. These adversaries, of course, among them are the leaders of multinational corporations, some of whom are based right here in the United States. These multinational corporations are run by an elite whose allegiance is to no country. Most significantly, we do not know if their allegiance is to the United States of America.

These are the same people who will take the product of research and development grants provided by the tax-

payers of the United States and build factories in China based on those technologies. These are the same people who would eliminate jobs in the United States and create factories in China in order to make a 15- to 20-percent profit as compared to a 5- or 10-percent profit here. But over here they would be dealing with American citizens; over there they are dealing with slaves. The corporate elite that does this is behind and is pushing for the changes in our patent law that I am talking about today. And these multinationals and the elite that run them are not watching out for us.

If the globalists are successful, 20 years from now our citizens will wonder what hit them. Pearl Harbor happened in one moment. Our people woke up to the threat and mobilized. Today it is happening slowly. The attack is less evident, but our rights are being robbed and eroded, and changes in our law are being made that will decrease our standard of living and damage our way of life and will be devastating to the American people, and they will not know what hit them. This attack is being conducted not by the bombers on Pearl Harbor, but the bombs that are being planted are being planted by lobbyists in our nation's capital who are working for multinational corporations, who believe, perhaps, that we can make everything better with a globalist strategy. But they are willing to pillage the wealth of our country and transfer that wealth and transfer power overseas in order to succeed in building a new global strategy, a new global concept.

One of the steps necessary for this great global vision to succeed is the destruction of the American patent system. As I say, lobbyists have been hired by well-heeled multinational corporations and by companies who no longer have any desire to pay for the use of technology that has been developed by American citizens. They, of course, are not saying, well, we are going to destroy the patent system. Nobody is just coming up and saying we want to destroy the patent system. We want to steal all of America's technology. They are not saying that because we might be a little upset because we would notice that they are the same people who are setting up factories in China using slave labor and putting our people out of work. They wouldn't be that upfront.

Instead, they are suggesting our patent system is broken and needs to be fixed. We have heard it before: The immigration system is broken. We need a comprehensive bill. And in the end, the comprehensive bill that was coming over here that was being voted on would have made the situation a lot worse. This is exactly what this elite is trying to do right now in terms of American technology and the patent system. They are using a system that needs to be fixed, the patent system, which has some flaws, organizational flaws, and they are saying we are going

to fix it; yet the fixes they are proposing would destroy the system as we know it.

No. Instead, we need to correct the flaws in the system. And, again, if it sounds like a replay of immigration, it is exactly right. It is the same strategy. But they failed then, and if the American people are mobilized, they will fail again.

We hear about widespread problems in terms of the Patent Office. This is what we are going to hear from the elite, from the people involved in this globalist attempt to destroy America's patent protections. We are going to hear about patent lawsuits, about horror stories concerning companies that are tied up for years in court and then eventually have to give up and relent to trial laws because there are so many delays inside the patent system. And we are going to hear about examiners who are overworked, underpaid, and without proper education and training.

Well, in reality the patent lawsuits are no more of a major problem than they ever were. Between 1993 and the year 2005, the number of patent lawsuits versus the number of patents granted has held steady at about 1.5 percent. In fact, in 2006 there were only 102 patent cases that actually went to trial.

But there are some very real changes that are needed and problems that need to be solved in the patent system. Unfortunately, the legislation making its way through the system does not correct these problems. The problems are being used as an excuse to act, but the proposed changes are aimed at other than the more significant goals.

So let's understand that we need patent legislation. We need patent legislation that speeds up the patent process and provides training and compensation for patent examiners and helps us protect our inventors against foreign theft. We need to make sure that the people who are the inventors of our country can use this system. But the bill that is being presented to us and these maladies that are being used to justify this new bill do not correlate.

The fact is the bill will not solve the problems but will obliterate the fundamental rights that have been granted since our country's founding. Just like the immigration bill, as I say. The problems created by our current policymakers, of course, they could have corrected any of these problems with the patent system over the past 10 years, but those problems that are still around are being used as an excuse to destroy the system within a cloud of smoke.

Well, the people have been trying to do this, as I said, for over a decade, the power elite in this country, and they were thwarted. Now they are back. We can all understand what this is all about when we just remember the word "comprehensive." That was being used as a cover not to reform and strengthen our control and management of immigration but to destroy our ability to

stop the massive flow of illegal immigration into our country. That is the same thing that is happening in terms of patent legislation.

There are some problems with the way our patent system is operating. It can be much more effective. But instead of correcting those problems, it is being used as a smokescreen. H.R. 1908 is designed not to correct the problems but to destroy the patent protections our people have enjoyed.

So, first, H.R. 1908 creates a post-grant review process. What does it do? The first thing is a post-grant review process, which means that after someone is granted their patent, people can still come back and challenge them after the patent has been granted. For the little guy, this is a disaster because the little guy doesn't have the money for all the lawyers. Once the patent is granted, that should be a situation when the patent is granted. Instead, H.R. 1908 attempts to create an endless process of challenges to a small inventor.

Second, H.R. 1908 changes our patent system to award patents based on first-to-file rather than first-to-invent. This is a little hard to understand, but since our country's founding, if an inventor could prove that he has invented something, he would then be protected. His rights to own that would be protected. In other countries, if big corporations immediately just file patent after patent after patent every time they come to a small step forward, they can protect themselves, but the small inventor will never be able to do so.

Third, the most egregious of all the items in H.R. 1908, and people should pay attention to what I am saying here because this is fundamentally different than every patent system in the world, up until now the American citizen, if he has filed for a patent, until that patent is granted, the patent is kept totally secret.

□ 2045

In fact, patent examiners can go to jail for felonies if they disclose that information. And then, when the patent is granted, no matter how long it takes, even if it takes 10 years to do so, the inventor gets to have 17 years of patent protection where he owns that technology. That has been our tradition. What do we want to do? This bill, H.R. 1908, the "Steal American Technologies Act," the sequel, what does it do? It wants to make sure that anybody who files for a patent, any inventor, if he has not been granted his patent within 18 months, perhaps because of bureaucratic snafus or whatever, that patent is going to be put on the Internet, that patent is going to be published for every thief in the world, every Chinese manufacturer, every Japanese manufacturer, every Korean manufacturer, anybody in the world who wants to steal it will be able to have it and be in production before our inventors get their patents even granted to them.

So, let's take a look at these three proposals of this H.R. 1908. The proposed grant review process is a gift to the large corporations and the powerful elites, which they wish to destroy the small inventor. As I say, they are going to be able to grind the small inventor down. For the invalidation of a patent, a company, if they can show they've been economically disadvantaged by the patent, they can force a review of the Patent Office of that patent. So if somebody invents something that's going to be wonderful for a lot of people in the country but will put another business out of work because they don't need buggy whips anymore, then the buggy whip manufacturer, who now has a lot of money because over the years, under the old system, everybody needed a buggy whip, they're going to use that wealth to tie up and destroy those innovators who would bring us forward. Because now, even once the patent is issued, they can keep filing complaint after complaint, challenge after challenge. The little guys will never be able to cope with that.

Second of all, this legislation doesn't stop just there. As I said, it lowers the bar for providing a patent's invalidity to current standards of clear and convincing evidence. It basically lowers, for some of the standards that we have operated on, from clear and convincing evidence to the preponderance of evidence, which of course erodes the confidence an inventor has that his patent won't later be just revoked by the Patent Office. So it's changing the standards and allowing them to have future challenges. The small inventor is going to be ground down.

But, of course, the worst part, what's this? H.R. 1908 also, of course, does not limit the number of times that a patent can be challenged, so time after time grounds these down. So it's not just one challenge after a patent has been granted, but a continual challenge to the small inventor.

This proposed change from first-to-invent to first-to-file is yet another attack on the small inventor. The United States is unique in using the first-to-invent system. All the rest of the countries have first-to-file. And this has ensured that the true inventors will receive the benefit of their invention instead of a thief who happens on some information.

Changing it to first-to-file will create a massive problem for the small inventor. Inventors will have to rush to the Patent Office, hurriedly scrambling to file the necessary documents every time they've made one small step forward. This will cause less thorough applications. So we're going to have people who are applying, because they have to apply for so many, the applications will not be as well thought out and not as thorough. And this will add to the burden of the Patent Office, which will mean there will be even more work for the Patent Office and even more delays.

So this will benefit, yes, large corporations who can afford patent after

patent after patent after patent application, but for the small inventor who only has a little bit of money, he will be totally rolled over.

Now, the thieves in China and elsewhere are waiting for the day when we change this patent law to what this last suggestion is under H.R. 1908. Because this is very similar to the immigration bill. The only purpose of the immigration bill was to give amnesty, was to grant legal status to those people who are here legally. The only reason for the patent bill is this particular provision, and that is, American inventors have had a protection that their applications will be secret, if they file in the United States, that their patent will be secret up until that patent is granted to them, but this bill changes it. After 18 months, all patent applications will be made public. Now get into that: Under this bill, after 18 months, even if a patent hasn't been granted, everybody in the world is going to be able to know all of the secrets in the patent application. Thieves around the world will be counting down the days until America's best ideas are put on display and in great detail for everyone to examine, even though the inventor has no protection at that point.

How do we know that this piracy will happen? We know because Japan, which I have mentioned has a different patent system, already publishes patent applications, and it is suffering from a withering attack from China and elsewhere. The Japanese actually take their patent applications and, after 18 months, put them on the Web. Well, what happens? The Japanese patent applications on the Web, that Web site receives 17,000 hits a day from China, and 55,000 hits a day from Korea. The people viewing the Web site are not simply curious about some gizmo or gadget; they're interested in one thing: They want to steal someone else's creative ideas.

H.R. 1908 would give every thief in the world an opportunity to take America's technology and use it even before our people are granted a patent. Why would anybody want to do this? Well, the same people who want to do this are the same people who are building factories in China and use slave labor. I can tell you that right now.

This is basically coming out of the high electronics industry. You know what some of those people are doing right now? Some of those people are over there helping the Chinese Government track down religious dissidents, people who want democracy or believe in God, but want to use the Internet, our technology companies are over there helping them track these people down and throwing them in jail. And you know what they want to do here? They want to steal all the technology from every American inventor and not pay them a royalty. That's what's going on here. And of course, they're in alliance with the other global elitists from other countries.

This is not the type of force in our society that we should permit to make

the rules on how this country functions. We would be giving, if this bill passes, our economic competitors, even our enemies, access to our Nation's technological breakthroughs and scientific achievements. H.R. 1908 does that by demanding that all patent applications be put on the Internet to view and to steal even before the patent is issued.

If it's hard to believe, people need to hear it again: We have an elite in the electronics industry that is so intent on taking the technologies that are being developed by our inventors and not giving them royalties, that they want to change this fundamental part of our patent law that has protected our individual inventors, protected them by saying, what you invent is yours for 17 years and that no one will know about your patent application until your patent is issued; they want to change this fundamental nature of our system.

This provision is not only a bad idea and not only will it harm the American inventor, it will hurt the American people by putting us at risk to our enemies. Already we are seeing a flow of technology and of capital assets to China, which is a major adversary, maybe not an enemy now, but perhaps someday an enemy. Our schools are filled with graduate students from China and elsewhere, and they are learning the secrets that cost us billions of dollars of research to come up with. We are not watching out for the American people. And H.R. 1908 would, again, be a dagger in the heart of the American standard of living and our ability to secure our country.

What is really going on here is an effort. Of course, they will claim that we have to do this because Japan does it, and Europe does it. They want to harmonize America's laws, our patent laws, with the rest of the world. Well, why don't they try that with the rest of the Constitution? If we wanted to harmonize the freedom of speech and religion with everybody else in the world, would the American people stand for that? We have the strongest patent protection of any country in this planet, just like we have the protection for other rights. If people want to harmonize with American law, we want a globalist approach to patents or to technology and to freedoms and rights, people can harmonize with us. Let them come up to our standards.

If the American people were out to harmonize the law, that's one thing, but we wouldn't even dream of doing that. The American people would never go along with having our religious freedom or freedom of speech and other freedoms that we have that are guaranteed by our Constitution; we would never permit them to say, well, we have to have the same level of freedom as they have in Singapore or Vietnam or, let's say, Ukraine or Belarus. No. The fact is, the American people are proud that we have guaranteed rights and that our Constitution protects these rights.

And I know that many people do not understand the part that has been played by the rights that were granted in our Constitution to our inventors specifically, but they are vitally important to America's safety and well-being. If we move to harmonize patent law, no, things will not go more smoothly for our country and for the world, what will emerge is a global elite which wants to mandate upon the American people the same things they mandate on the surfs and the servants and the people of other countries who they feel that they are naturally endowed with the right to tell them what to do.

No, no. We believe that every individual has rights in this country, and we are not going to harmonize our laws, whether they're patent laws, and we are proud that we have a standard of living that has flowed from our patent laws and our technology laws. We are proud of that, and we are not going to bring down our standard of living in order to harmonize it with the rest of the world.

And yes, those businesses that are flowing over to China to use slave labor, yes, we do not want the elite of those companies making policy in the United States, especially if it's policy that would allow them to steal innovative and creative technology ideas from America's inventors, from the little guy. The fact is, we have had the strongest protection of patent rights of any place in the world, and thus we have had more innovation and a higher standard of living than the other people of the world. The common man here has the opportunity that common people in other parts of the world do not have because America has had technological superiority. And if our rights to our patent protection are diminished in order to harmonize those rights with the rest of the world, it should be no great surprise when we will end up with the same type of country that they have in those countries, that our people will have the same type of opportunity and standard of living and freedom that they have in third world countries. Is that what we want? Well, the corporate elite doesn't care what we want because they don't care about us. They were the ones that wanted to bring in tens of millions of more immigrants into our society illegally because they knew that if we legalized the status of those 15 to 20 illegals that are already here, that would bring in 50 million more. They don't care enough about us to want to stop that, and they don't care enough about us to want us to have a high standard of living.

This is another inherent conflict between the globalists and the patriots. If we do not win this battle, if we are not vigilant, America will lose and future Americans will not enjoy the freedom and prosperity and safety that we Americans enjoy today.

This destruction of our fundamental patent system is an abomination, a long-term threat to the well-being of

the American people, and it will benefit basically wealthy and powerful interests, an elite that has no loyalty to the United States or to our people. Our people have got to know that this is a threat to all of us. Our people need to unite, as we did on the fight against this immigration bill that would have been a disaster for our country and a disaster for ordinary Americans, we need to unite and we need to organize and we need to make sure that people in this body, in the House of Representatives, know that H.R. 1908 is something that is contrary to the interests of our country and is contrary to the interests of working people. And anyone voting for it, it won't be tolerated if that's the way people feel about it. Those advocating the "sledge hammer" approach to patent reform, allegedly addressing just small problems, but using a sledge hammer to fix those small problems, are, in reality, advocating a complete reconstruction, and I would suggest destruction, of our patent laws. If they really want to address specific problems, just like it was in the bill with the immigration, let them target those solutions instead of using a bulldozer in the name of knocking down a mole hill.

□ 2100

Yes, we can make our patent system more efficient. We can make sure that those patent examiners are trained and well educated and that they know the system and that the system works faster and more efficiently.

One thing we could do is make sure everyone who pays for a patent that that money stays in the patent system. Another thing is we can make sure that there are plenty of scholarships available for people who can get their PhDs in their scientific endeavors in these areas so they can come back and work in the patent office. We can correct our problem. But destroying and rearranging the rights of our inventors would be a catastrophe. Think about it. If you have a hangnail, and it is painful, and you go to a doctor, and the doctor goes to great lengths and says, oh, what a horrible hangnail you have there, you must be in pain, and, look, it has a little bit of infection, well, you might listen to your doctor. But what happens when the doctor says, well, I think we are going to get rid of that hangnail problem. We are going to amputate your leg.

This is what this is about. Those people are trying to amputate our legs in the name of getting rid of a hangnail because the Patent Office isn't working efficiently. Well, I would suggest that that doctor, if he suggests to you that he is going to amputate your leg, either he isn't incompetent or he doesn't like you. And you better check and find out. But either way, you don't want to follow his advice.

We are told by those people who want to totally change the patent system that these evil inventors, people like Thomas Edison and Cyrus McCormick,

the people who invented the drugs that have cured polio, these evil inventors, they actually abuse the system because they own it for 17 years. No. It has been that profitability, it has been that spur, that incentive to create that has come up with these miracle cures, that has come up with these machines that have made us more competitive. Our workers cannot be more competitive with the Chinese or the Indians unless we have the technology. If our technologists are going to have all of the product of their genius stolen by the Chinese and Indians even before the patent is issued, how are we going to compete in the future against China and India? No. These people who are inventors, they are not abusing our law. They are the heroes. They are American heroes, just like the Wright brothers were American heroes. They lead to a better way of life.

These large corporations who exploit people and have no loyalty to us, who have armies of lawyers who will steal anything and smash anyone who gets in their way, those are the people we have to watch out for. Those are the people who are behind this proposed change in our patent law. Property rights for the little guy is a good thing. And I don't care if the guys in the corporate board rooms don't agree with me on that. I know that as a Republican people think, oh, well, he must be for business. No, I am for Americans. And I know that today the American people are being abused. If it weren't for the American people, there wouldn't be any freedom anywhere in the world. Any hope for anyone, for mankind and humankind is tied to the willingness of the American people, because we care about them.

Why should we harmonize our laws with the rest of the world off of some global vision that some egghead in some university thought up and taught to his students 20 years ago who now are out trying to implement this global vision?

Our people are not fighting for a new world order. Our people, when they defend this country, are defending our rights and our liberties. If we ever lose that, if we ever lose the allegiance of the little guy to our country, we have lost everything. Because what it seems like here is what we have got going in this country, whether it is patent law or whether it is immigration law, is that the elite no longer have the allegiance to America's little guys.

You know, there is a story that goes with this whole issue. It deals with a little guy who invented the picture tube, Philo Farnsworth. There is a statue to him right down the hallway, a statue here in our Nation's Capital to a country hick named Philo Farnsworth. It shows him there holding a TV picture tube. You know what? Philo Farnsworth was a hick. He had a little training in engineering. He actually figured it out.

RCA, the most powerful company in the United States at that time, spent

what is the equivalent of hundreds of millions of dollars to try to find the secret of a picture wave that you could have so you can have a television set and a tube that would capture that. Philo Farnsworth figured it out. He wrote RCA. He said, hey, I figured it out. Come on over and we will discuss it.

Sure enough, the head researcher from the labs at RCA showed up at Philo Farnsworth's home. Philo Farnsworth went out to the barn and showed him everything and how he had done it and how he figured it out. He had his notes. The guy took extensive notes and said, We will get back to you. Do you know what? RCA spent 20 years trying to steal Philo Farnsworth's invention. It went all the way to the Supreme Court. Thank God for the United States of America, the little guy, Farnsworth, beat RCA, the big corporation. That is why we have a statue to him here. That is what America is all about, protecting the rights of the little guy to make this a better world.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

(The following Members (at the request of Mr. BURGESS) to revise and extend their remarks and include extraneous material:)

Mr. MCCOTTER, for 5 minutes, today.

Mr. POE, for 5 minutes, today and July 11, 12, and 16.

Mr. JONES of North Carolina, for 5 minutes, today and July 11, 12, 13, and 16.

Mr. WOLF, for 5 minutes, July 12 and 13.

Mr. MORAN of Kansas, for 5 minutes, July 11.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 966. An act to enable the Department of State to respond to a critical shortage of passport processing personnel, and for other purposes; to the Committee on Foreign Affairs.

S. 1612. An act to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes; to the Committee on Foreign Affairs.