

though there have been some improvements. Secondly, a sustained nonfat dry milk price reporting error that lasted over a year was found to have cost dairy farmers millions in reduced prices. I was glad to have an amendment accepted that would require regular auditing of the dairy price reporting and require the USDA to better coordinate oversight of the dairy industry both within the Department and with other Federal agencies. I hope that this added diligence and transparency can help give dairy farmers added confidence in the system.

With this year's high profile case of imported wheat gluten being adulterated with melamine, it is important to assess the risks and make sure that other high-protein products are safe. I am especially concerned that unsafe imports of dairy proteins such as milk protein concentrates and casein would have the potential to undercut consumer confidence in dairy products in general and severely damage our domestic industry and producers. Therefore, I am glad that the committee accepted an amendment to require a report on all high-protein imports including both gluten and dairy proteins to make sure that we are taking the proper precautions and testing.

Every year, I distribute a survey to farmers at a booth at the Wisconsin Farm Technology Days and ask what their top challenges are. Even in this farm bill year, the responses have overwhelmingly indicated that health care is their top concern. I know that the farm bill cannot fix this problem completely and I have a proposal with Republican Senator LINDSEY GRAHAM to move forward on the broader need for health care reform. But in the meantime, farmers need help meeting their health care needs.

I have no doubt that many of my colleagues hear from farmers and their families regularly about the particular challenges they face in finding and affording health care. More and more, one member of a farming family is essentially forced to work off-farm just to be eligible for a health care plan. I cannot tell you how many times my staff and I have heard from a farmer's spouse about how much they would like to be spending their days working on the farm, with their family, but instead go into town to work as a teacher or at a bank just for the health care. I look forward to the results of a study that was cosponsored by Senator HARKIN and was also accepted into the managers' package on the challenges farmers—and the rural areas they live in—face in obtaining health care. I hope that this body can work in the future to alleviate this problem faced by so many hard-working American farmers.

I also believe that as we look to expand our Nation's renewable energy and lessen our dependence on oil, we need to provide opportunities for farmers and rural communities. Earlier this year, I introduced the Rural Oppor-

tunity Act and am very pleased that several key elements supporting local bioenergy were included in the farm bill. One amendment I got accepted encourages the USDA's continued support for and the expansion of regional bioeconomy consortiums, which can consist of land grant universities and State agriculture agencies dedicated to researching and promoting sustainable and locally supported bioenergy. I was also pleased to work with Senator COLEMAN on another "rural opportunity" provision, which is based on our legislation, S. 1813, to provide local residents an opportunity to invest in biorefineries located in their communities.

Mr. President, my home State is home to many organic producers. I was glad that the chairman and ranking member accepted an amendment I authored expressing the sense of the Senate that organic research at the Agricultural Research Service should get a fair share of research funding—a-share proportional to its share of the market. It is hard to believe, but when we passed the 2002 farm bill, organics were a new, trendy, item. Today organics account for about 6 percent of food purchases in the U.S.

While Wisconsin is perhaps more widely known as a leader in milk and cheese production, we also lead the Nation in production of cranberries and ginseng. I was glad to see a priority competitive research area for cranberries in the underlying legislation. Similarly, I was glad that my legislation with Senator KOHL and Representative OBEY to require country-of-harvest labeling for ginseng was accepted as an amendment. This is an important step to help combat mislabeling of foreign ginseng as U.S. or Wisconsin grown, which receives a premium price for its higher quality.

While there were many positives in this legislation, these accomplishments are bittersweet for me as the Senate missed an important opportunity for meaningful targeted reform of the farm support programs. I was deeply disappointed that several amendments to make the commodity support programs more balanced to better target family farms and not concentrate payments in larger corporate-scale operations were unsuccessful.

While I cosponsored or supported several reform amendments, I was especially disappointed that despite the support of a majority of Senators, the Dorgan-Grassley payment limit and Klobuchar adjusted gross income amendments were defeated because they could not reach a 60-vote threshold. There is no good reason why large, wealthy corporate farms, nonfarmers and even estates of dead people receive hundreds of thousands of dollars per year from taxpayers. The result on Dorgan-Grassley was particularly troubling because we were able to pass a similar provision in 2002.

I was also disappointed to be prevented from offering an amendment to

make a progressive cut to direct payments and redirect the savings to benefit farmers and rural America with my colleague Senator MENENDEZ. Our amendment would have addressed the most serious problems with direct payments. Direct payments are particularly problematic because they are based on a history of crop growing, regardless of what is currently being grown or even whether the land is being farmed at all. Nor are they tied to need, crop prices, or weather conditions. When prices are low, they are insufficient; when prices are high, like now, they are hard to justify.

With many needs and very few new resources available for this farm bill reauthorization, we recognized the need to keep the majority of the savings in our farmers' pockets and in our rural communities, but instead of going to the largest landowners, the money would have been refocused to meet many of the unmet needs in programs that help a broad number of farmers.

Our amendment had the support of a diverse group of organizations including the Wisconsin Farmers Union, the New Jersey Conservation Foundation, the Sustainable Agriculture Coalition, the Cornucopia Institute, the National Rural Health Association, the Rural Coalition, and the National Conference of Catholic Bishops.

PATENT REFORM ACT

FURTHER IMPROVEMENTS

Mr. LEAHY. Mr. President, I would like to take a moment, along with the distinguished Senator from Utah, a longstanding member of the Judiciary Committee and a consistent partner of mine on intellectual property issues, to discuss S. 1145, the Patent Reform Act of 2007.

Mr. HATCH. I would be happy to discuss this important issue with my good friend from Vermont.

Mr. LEAHY. First, I want to express my appreciation for my colleague's efforts in working to ensure that our patent laws are modernized. We first co-sponsored patent reform last Congress. We again jointly introduced comprehensive patent reform this Congress in the form of S. 1145 in April of this year. Both bills had their foundations in numerous hearings with the testimony of dozens of witnesses and in innumerable meetings with the myriad of interested participants in the patent system. The message we heard repeatedly was of the urgent need to modernize our patent laws. The leaders of the House Judiciary Committee also heeded that call to legislate, and working with them, we introduced identical, bipartisan bills. H.R. 1908 was introduced the very same day that we introduced the Senate bill.

In July, after several extensive and substantive markup sessions, the Senate Judiciary Committee reported S. 1145 favorably and on a clear and strong bipartisan vote. In the course of

our committee deliberations, a great many changes were made to improve and perfect the bill. These improvements included changes on the key issues of enhancing patent quality, clarifying rules on infringement and compensation of inventors, and improving the ability of the Patent and Trademark Office to do its job well.

Mr. HATCH. I am proud to be a leading cosponsor of patent reform. The inventiveness of our citizens is the core strength of our economy. Our Founding Fathers recognized the critically important role of patents by mandating in article 1, section 8, of the Constitution that Congress was to enact a patent law. The Congress has periodically seen fit to update the law to ensure it meets the changing needs of both science and our economy. But the current law has not seen a major revision since 1952. Much has changed since then. The courts have struggled valiantly to interpret the law in ways that make sense in light of change, but that piecemeal process has left many areas unclear and some areas of the law out of balance. So action by the Congress is needed, and needed urgently.

Mr. LEAHY. I agree with my distinguished colleague that now is the time to enact patent reform, and we are in good company in that belief. Our leadership has committed to taking up S. 1145 as early in the new year as possible, and we commend that commitment. I fully recognize that when the bill was reported by the Judiciary Committee, a number of members expressed a strong view that the bill should be further perfected before it comes to a vote on the floor of the Senate. I made a commitment to the members of the Judiciary Committee at the markup that I would work closely with each of them, and other Members of the Senate, to make further improvements in the bill. I reaffirm that commitment.

Mr. HATCH. Thank you. I was among the members of the committee who expressed the view that while I believed we were reporting a very sound bill, further improvements should be considered. I very much appreciate your willingness to work with me and other Senators and very much appreciate your commitment.

Mr. LEAHY. As you and I have discussed, successful enactment of patent reform requires the input of all Senators. Over the past months, since the committee reported the bill, I have had numerous meetings with both members and affected interests. I know you have too. My staff has had literally hundreds of meetings and discussions about this legislation. In the course of those meetings, it has become clear to me that several issues are on the minds of most people: ensuring compensation for infringement is fair and adequate; clarifying rules on venue; and improving the ability of parties to challenge the validity of granted patents through administrative processes.

Mr. HATCH. I agree with my colleague, further improvements should

be considered to key provisions of the bill, including damages, postgrant review, inequitable conduct defense, and venue.

Let me just say a few words about the need to make further reforms to the inequitable conduct defense. I commend Senator LEAHY for working to develop an effective solution to the problem of the inequitable conduct defense during committee deliberation in July. No doubt he has done a good job in initiating this process. We certainly share many perspectives on how to reform this area of the law, but I believe more must be done to change the use of this defense as an unfair litigation tactic.

I know some have opposed any meaningful changes in this area because of how it would affect the generic pharmaceutical industry. As a coauthor of the Drug Price Competition and Patent Restoration Act, informally known as the Hatch-Waxman Act, I certainly understand the generic drug industry, but S. 1145 is an innovator's bill. Unless we promote and protect a structure that fosters a strong and vibrant environment for innovators, there will be fewer and fewer drugs for the generics to manufacture—and all, including patients, will suffer.

Much like Senator LEAHY, my staff and I have met with many interested stakeholders and individuals about these provisions, and they have stated that further refinements to these four key provisions would garner even greater support of S. 1145. I firmly believe that compromise on each of these provisions is achievable, and I know that my good friend from Vermont would agree.

Mr. LEAHY. Over the course of early January, I invite you and our colleagues to work with me to find viable solutions. It is my intention to seek and hear the views of any and all parties and to include all interested staff and Senators. This will continue to be an open and deliberative process, with the goal of favorable Senate action as early as the floor schedule permits. I am committed to a strong and effective balanced bill. I know there are some out there who would rather see us do nothing and leave the systems now in place or merely codify current jurisprudence. I believe that following this course would be shirking our responsibility to ensuring the economic strength of our country that is built on inventiveness.

Mr. HATCH. I agree with your intentions and applaud your plan. I stand ready to work with you and each of our colleagues. I also agree that this should not become an excuse for further delay or for doing nothing. Unfortunately, some would like to play political football with this bill to pursue other agenda items. Make no mistake: this bill is far too important and should not fall prey to such partisan tactics from either side. The Senate has a tremendous opportunity and responsibility to further strengthen our Nation's competitiveness through meaningful patent reform.

HONORING REPRESENTATIVE JULIA CARSON

Mr. BAYH. Mr. President, in remembrance of Congresswoman JULIA CARSON, who died on December 15, 2007, I have printed in the RECORD a column written by former Representative Andy Jacobs Jr. of Indiana.

There being no objection, the material was ordered to be printed in the RECORD as follows:

REMEMBERING CONGRESS'S JEWEL NAMED JULIA

"Look where he came from and look where he went; and wasn't he a kind of tough strugger all his life right up to the finish?" The words are those of Carl Sandburg in praise of Abraham Lincoln. The same praise could and should be said of our sister, the late Rep. Julia Carson (D-Ind.), who has passed beyond the sound of our voices into the sunset of her temporal life and into a dawn of history.

Where did she come from? Same place as Lincoln—Kentucky. And like him, she was born both to physical poverty and spiritual wealth, and moved to Indiana.

Another similarity: Julia also had an "angel mother," Velma Porter, who put a lot of physical, mental and spiritual nutrients into the little flowerpot of her only child.

Fast-forward to a month after my first and improbable election to Congress. I was told by mutual friends that at the Chrysler UAW office, I could find a remarkable woman to join me as a co-worker in my Washington Congressional office. Remarkable? Understatement. Thus began my 47-year friendship and, eventually, virtual sibling-ship with the already honorable Julia Carson, one of the most intelligent, ethical, industrious and compassionate people I have ever known.

Check out her first Congressional brainstorm. It started a national trend. Why make constituents in need of Congressional assistance with bureaucratic problems travel all the way to D.C. to get it? Why not take that part of the office to them? So we adopted her suggestion and did our "case work" in Indianapolis with Julia at the helm. It set an example that has been followed by other Congressional offices all over the country ever since. OK, there was one other factor. She had two little kids she preferred to rear in Indianapolis, doing well by her kids by doing good for her country.

Later, my refusal to bring home a particularly pernicious piece of political pork earned me a severe gerrymander that, together with the Nixon landslide, ejected me from Congress. Nothing is all bad; the beneficiary of the gerrymander was my much-admired friend, Bill Hudnut (R). That was the year I had to talk Julia into running for the state House of Representatives. She thought it would be disloyal to our friendship because it would take her away from my campaign, which was a campaign of futility that year.

She was elected to the state House, where she served with distinction and, in time, she became a state Senator, again gaining friends and admirers on both sides of the aisle.

Still later, she became the Center Township trustee and produced real "welfare reform," not with ignorant histrionic speeches and braggadocio, but with hard, quiet and meticulous work. It was reform that broke no poor child's heart, nor sent such a child to bed hungry. She not only ferreted out welfare cheats, but also sued them and got the money back for the taxpayers. Her reform wiped out a long-standing multimillion-dollar debt, moving the then-Marion County Republican auditor to say, "She wrestled the monster to the ground."