

simply what's going to happen—what will occur in a government-run plan. First of all, I can assure you it's going to cost you two times what these estimates are. That's what happened in Tennessee with our TennCare plan.

Secondly, the way all of these plans work is they ultimately ration care. When you have a certain amount of dollars that you spend on health care and the demand is higher than the dollars to pay for it, you create waste.

Just an example. In Canada for a hip replacement it's 2 to 3 years to get your hip replaced. Bypass surgery is 117 days. Here in this country, George Washington University very near here, or Georgetown—it will be done very quickly.

So those are things that happen in a government-run plan. And who needs to be making health care decisions are families, patients, and their physicians. That's who should be making those decisions.

Mr. HOEKSTRA. Will the gentleman yield?

Mr. ROE of Tennessee. Yes.

Mr. HOEKSTRA. Are you telling me if someone actually breaks their hip in Canada, then it doesn't take 2 to 3 years?

Mr. ROE of Tennessee. No, this is an elective replacement.

Mr. KING of Iowa. Reclaiming, I pose this issue here, but it isn't true for all Canadians. And I say this because even though there's a law in Canada that prohibits one from jumping ahead in the line or having a policy or a plan that gives them preferential treatment, they want everybody down at the bottom.

There are provinces that don't enforce it equally. So there are places where people carve out their own special privileges so that those who are better off have an avenue to better health care, even though the law says not. But that's within the Canadians. And let them do it.

Mr. HOEKSTRA. If the gentleman will yield for just a minute.

Mr. KING of Iowa. But it's what happens in America. I would yield to the gentleman from Michigan. I know you're on the border.

Mr. HOEKSTRA. Because the Canadians have another way to escape. They escape to the American system. Some of our busiest hospitals are those along the border. So the Canadians that have the resources and are at the bottom of the line, what they will do is they will jump the border and they will get their health care in the United States.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. HOEKSTRA. Yes.

Mr. BROUN of Georgia. I heard just recently about a patient in Canada that had such severe knee pain that he was having to take narcotics. It took him over 1 year just to go see an orthopedic surgeon.

If a patient comes to see me and has knee pain, I pick up the telephone and

call an orthopedic surgeon and I'll get them within a week or two. But it took this patient over 1 year to ever go see the orthopedic surgeon and to get the x rays that he needed to evaluate his knee pain. When he finally saw the orthopedic surgeon, the doctor said, Well, you need this surgery. And the Canadian said, Well, that's fine. Let's schedule it. He said, No, we have to put you on a waiting list.

So he came—I don't know if he came to one of your local hospitals there in Michigan—but he came to the U.S. to get his surgery done on his knee. And that's exactly what this government program is going to do to Americans. But where are we going to go if they indeed put this into place?

Mr. HOEKSTRA. Reclaiming your time but given to me, what this Wall Street Journal says: "Access to a waiting list is not access to health care".

Waiting lists are what I hear about all the time when I'm talking to our friends across the border. But what I hear from the medical professionals and the hospitals in Michigan is we treat the well-to-do Canadians who will come across the border and access our health care because they're unwilling to be on a waiting list. And they recognize that being on a waiting list isn't having your problem taken care of.

If you've got to wait for 117 days or 171 days—117 days for a bypass—excuse me—I think that's about 112 or 113 days too long.

Mr. ROE of Tennessee. One hundred-sixteen for me.

Mr. HOEKSTRA. If it's you. If it were me, I would say it's about 116 days too long. The same thing for a hip replacement and all of that. The American health care will fundamentally change if this goes into effect.

Mr. KING of Iowa. Reclaiming my time, in the brief moment that we have left I want to make the point that if the Canadians were protected by constitutional rights that we have as Americans, they would be protected, because it's cruel and inhuman to ask the Canadians to give up on their access to good health care here in the United States of America.

You can go on the Web site and you can find companies in Canada that have been formed by entrepreneurs that turnkey the package. If you need a hip replacement in Canada, you can find a tour company that will set you up and say, Here's your flight to Seattle or Detroit or wherever it might be, or maybe Houston for heart surgery. Here's the surgeon, here's the hotel, here's the transportation.

Mr. HOEKSTRA. We can take care of this in Michigan. We've got great doctors and hospitals who are ready, willing, and able to serve. I appreciate the leniency of the Chair to make sure that I can get this paid public announcement in for the State of Michigan.

Mr. KING of Iowa. Let me conclude by simply saying that this Obama care is cruel and inhuman to Canadians. And I would yield back the balance of

my time and thank my colleagues for being here.

CURRENT COUNTERPRODUCTIVE POLICIES

The SPEAKER pro tempore (Mr. SCHAUER). Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, as I stand here on the floor of the House tonight and after hearing this fine presentation and thinking about all the things that are going on in Washington right now, I am reminded of the television series "The Twilight Zone". These days, I half expect Rod Serling to appear from behind a curtain and announce that "This is the Twilight Zone."

Well, yes, there's almost a bizarre sense of unreality here in the Nation's Capitol—the transformation of private liability into public debt on a massive scale; the unprecedented level of deficit spending, debt piled upon debt; borrowing from China in order to give foreign aid to other countries; enacting Draconian restrictions and controls on a national economy and on the lives of our people in order to stop the planet from going through a climate cycle.

What? The Earth has had so many climate cycles in the past, and now it's being used—the one we're in, which is very little different than any of the other cycles we have been in—it's being used to justify economy-killing and freedom-killing controls, taxes, and mandates, and putting power in the hands of international bodies that should be the power of the people of the United States to run their own life.

Our Nation's borders leak like a spaghetti strainer. Millions of people illegally continuing to pour into our country to consume limited health care, education, and other social service dollars. And, yes, to take jobs away from our people and, in some cases, to commit crimes against our people. Our government just lets it happen. We can't even build a darn fence.

And we have had a one-way free trade policy with China that has all but killed medium- and large-scale manufacturing in our country and which has relegated our own people to low-paying jobs and sent trillions of dollars to Communist China.

No one has even suggested a change in that obviously rotten policy if, for nothing else, just to give our economy a little boost. Instead, we begged the gangster regime that runs China to loan us even more money—money that they accumulated because of a trade policy that has been monstrously counterproductive to the long-term interests of our own people—a one-way free trade policy.

And that's not the only counterproductive policy which has brought our economy to its knees. Our people are suffering high energy prices needlessly. There are dollars being siphoned

off from our pockets and deposited in the coffers overseas—the coffers of rich foreigners. Some of these rich foreigners who are now receiving all of these dollars which we have to spend to buy energy, some of these foreigners hate us.

And while what little money we have goes to buying foreign oil, massive domestic deposits of oil and gas worth trillions of dollars are left untouched, untapped, and unused.

Off the West Coast, huge caverns of valuable oil and gas are sitting there, unused, even as California sinks into an economic abyss and public services are cut back or canceled. Trillions of dollars sent overseas for energy, while at home no new oil refineries, no hydroelectric dams, no nuclear power plants.

We are told of course, You have to rely on solar, only to find out that radical environmentalists in the name of protecting the habit of insects and lizards are blocking the building of solar plants in the desert. We can't even build an aqueduct in California because of a tiny fish—the delta smelt. So our people will suffer because of concern over a worthless little fish that's not even good enough to use as bait.

People are beginning to suffer in the Central Valley for lack of water. There's no water for the crops. There's just about enough water for them. So they don't have a job and they can't pay for food. Water prices are going up for tens of millions of Californians in southern California, taking even more money out of our pockets, further undermining our people's ability to pay for their basic essentials.

Yet, with all of this, just a few weeks ago Congress voted not to help our suffering people and move forward with water production, but to protect that damn little fish.

□ 2115

Well, then on top of it all, last year, in the name of preventing economic calamity, Congress was stampeded into giving away trillions of dollars. Much of it to—well, nobody knows really who did get all of that money. We have provided hundreds of billions to the financial industry, fat cats who have been giving themselves bonuses even as they drove their own companies into the ground. Well, I would rather spend the money on lizards than on that bunch. And here we are facing an economic crisis, and even after all of these mind-boggling giveaways, we still face the same economic crisis. And those mind-boggling giveaways of trillions of dollars, which we are now going to have to pay the interest on because it is now debt that is owed by the American people, this may well have made the situation worse and more damaging and elongated our economic hardship.

As I say, it is all a bit bizarre. But if we are to pull our country out of this, we need to mobilize and activate our people. It is time not to give up, but to buck up and to stand up. With all that

is facing us, let's not forget that Americans have an inherent resilience. We have met and overcome great challenges in our past. The fundamentals were, of course, in the right place in those days. Our people were strong and had a culture of self-reliance. Our leaders, I dare say, had more courage, common sense and even perhaps integrity than today's bunch. Our freedom was our greatest asset. It was intact, yet to be eroded by decades of Federal expansion of our government into areas that it was never meant to go.

Our Constitution was once revered. That, more than anything else, kept America on the right track, our Constitution and the rights it incorporated. One of the constitutionally protected rights that is often overlooked was key to the success of our country, helping us overcome hard times and ensuring the well-being and safety of our people. Protecting this right is essential if we are to turn around the economic decline that we are now suffering.

It is this right and the efforts being made in Congress to undermine it that is the subject of my speech tonight. That little recognized, but immensely important, fundamental right is the specific protection provided in our Constitution to America's innovators, creative citizens and free thinkers, and to every person with a new way of approaching a problem or getting the job done or making a system just a little bit more efficient.

Article I, section 8 of that great document, the U.S. Constitution, states that "Congress shall have the Power to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." Significantly the word "right" only appears once in the body of the Constitution, and that is in article I, section 8, which I just read.

That word "right" was in place even before the Bill of Rights was added to the Constitution, which suggests these economic rights were believed to be as vital to the future of our country as were the other rights that were protected: freedom of religion, the rights of speech and assembly.

Our technological genius and the laws consistent with the intent of the Constitution which was protecting and promoting that genius, accomplished what they were intended to accomplish. It has been America's technological edge, flowing from that fundamental legal protection, that has permitted our people to enjoy the highest standard of living in the world and allowed our people a level of opportunity, which gave common people the chance to live decent lives and to control their own destiny.

It has provided the technology needed to defeat tyranny and keep our people safe from foreign armies and terrorists. Technology and freedom go together; our Founding Fathers knew

this. It is also true of technology and prosperity. It is not just hard work that built America. People around the world work hard, and so many of those people who work so hard live in abject poverty. But when coupled with technology, and, yes, freedom, that hard work produces vast amounts of wealth, even while easing the burden on the working people themselves.

Benjamin Franklin, Thomas Jefferson, George Washington and others, all of our Founding Fathers, were not only people who believed in freedom, but they were people who also believed in technology and the potential genius of the American people. By the way, Jefferson, the author of the Declaration of Independence, was also the first head of our country's patent office.

As our Founding Fathers wanted, we have had the strongest protection of patent rights of any country in the world. That is why in the history of all humankind there has never been a more innovative or creative people. It didn't just happen. It happened because our Constitution and our Founding Fathers saw to it that our law protected the ownership of one's intellectual creations.

Americans led the way in uplifting humankind's quality of life and giving average Americans the opportunity to prosper and enjoy life. Who created the American Dream? Our people who worked hard. But also our inventors who gave them the technology they needed to do their job better than ever before. That is how highly paid people were able to outcompete large numbers of lowly paid people. America's goal was to build a country where all of us, not just the elite, could have a wonderful life and could live in prosperity.

Eli Whitney invented the cotton gin. He also invented interchangeable parts for manufacturing. How did that change America? How did it change the world? Ordinary people had clothes and jobs thanks to Eli Whitney and the American Constitution that encouraged and protected his genius. Cyrus McCormick invented the reaper. Before that, farm workers had to carry heavy tools and work themselves half to death. The amount of harvest was limited, and it was all based on human strength and not the strength of the machine. With the invention of the reaper, ordinary people, farmers and laborers, had better lives and lived longer lives and stomachs that were filled with an abundance of food.

Samuel Morse invented the telegraph, tested right here in this very building, the Congress of the United States. And from it came, of course, Alexander Graham Bell's telephone. And then there was Thomas Edison who invented the light bulb, and so many other inventions that uplifted the life of ordinary people.

These were not just accidents. These creative people were able to flourish under a system of constitutional protections that were superior to any other such protections anywhere in the world.

Perhaps the epitome of the little guys who, with freedom, accomplished greatness, were the two fellows who owned a bicycle shop in Ohio, the Wright brothers. These two very ordinary Americans ended up inventing something just a little more than 100 years ago that changed the world forever. They were told 110 years ago that what they sought to create was impossible. Yet with limited resources and protected by our robust patent system, they took humankind with its feet planted firmly on the ground and sent us soaring into the air and then into the heavens, just two ordinary Americans, the Wright brothers.

One segment of our population, Black Americans, have been prolific inventors, men like Jan Matzeliger, a former slave who invented a machine used in shoe manufacturing. It was Matzeliger who, protected by a patent, brought down the cost of shoes for an entire population. Before this man made his invention and put it to work in the shoe industry, most Americans had one pair of shoes for their entire life.

There is also George Washington Carver, a world-respected scientist and inventor, and so many more Black Americans. Why? Because in that era, when Blacks were discriminated against, we actually respected the rights of technology ownership of Black inventors. Thus they excelled when their rights were protected. And America and the world were better for it.

Our technological superiority provided us with prosperity that has also kept us safe. We cannot match the tyrants and the gangsters man for man because they don't care if they lose their own people. We must beat down our competitors and our enemies with superior technology, or we will lose, and our people will suffer as a result.

Bad policies put us in our current economic crisis. Tonight I warn of a huge policy shift that is making its way through this twisted legislative path into law. If the legislation I am warning about tonight passes in both Houses of Congress and is signed into law, the legal protections for our innovators and innovations that have made such a difference in America will be greatly diminished, if not destroyed. So take this as a fellow patriot sounding the alarm.

Tonight I would like to speak about something that would be devastating, another awesome threat. Yet there is a blase attitude here, and one would think that this is just a minor, if not irrelevant, issue. The fundamental changes being proposed in our patent law will have a huge impact on our lives and will dramatically alter the lives of our children for the worst.

Tonight I seek to alert my fellow Americans just how significant this issue is to their jobs, their prosperity and, yes, their safety. The so-called Patent Reform Act of 2009, H.R. 1260, is a bill that is not new to these Halls. It is nearly duplicative of legislation that

has been introduced time and again. Each time a small group of patriots, and I'm proud to have been among them, has managed to defeat the multinational corporations who are behind this legislative lunacy. But they keep coming back. They have got deep pockets.

So here we go again, to fight the same fight over nearly the same bill. But if we lose it just once, the fundamental protections of our technology rights will be lost forever. There is no going back if we lose because this is an attempt to tie us, we, the American people, to "international commitments" rather than to constitutional protections.

Stick with me on this.

America's economic adversaries are engaged in a systematic attack on our well-being, and thus they have noticed one of the strongest and most important elements of our country's success has been the patent protection enjoyed by our people. That is what this so-called patent "reform" is all about. It is not reform, but it is about the destruction of our basic system which has served us so well.

This crime in progress is being pushed by huge multinational corporations with little or no loyalties to our country or our people. The justification for this attack on our patent system, as I say, a patent system that has served us so well, the justification, the proponents claim, our patent system is so different that it must be harmonized with the rest of the world. Get this: we have to weaken the protection of our technology ownership rights to harmonize our laws with the rest of the world. Our laws are, in fact, substantially different. So harmonization means dramatic changes in our system. In the end, that will change the lives of our people. And the change will be for the worst.

The corporate elitists who are pushing this consider themselves globalists. They are not watching out for us. In this battle over so-called patent "reform," their goal is not reforming, but diminishing the legal protections for Americans, for American inventors. This in the name of harmonizing with the rest of the world our inventors will be made vulnerable to those who would rob them and thus rob America of the advantage that we have been given due to this strong patent protection.

This is what gives us the advantage, our technological advantage, against overseas competition. That will be taken from us. If America is to be prosperous, if we are to be secure in the future, we must take on our own corporate elites who would change the rules to our detriment but perhaps to their short-term gain.

Those playing the sinister game are, of course, not saying that they are out to destroy the patent system. Well, they act aghast when confronted with this suggestion. But from a distance, it is clear. Here is an article in the China Intellectual Property News about last

year's legislation that, as I say, is a bill that almost totally mirrored the current bill that is going through Congress. They are almost the same bill.

This analysis was written by a former senior judge and deputy presiding judge, two of them, of the intellectual property division of Beijing's High People's Court, whom I now quote: "The bill is friendlier to the infringers than to the patentees in general as it will make the patent less reliable, easier to be challenged, and cheaper to be infringed. It is not bad news for developing countries which have fewer patents."

Then the authors who are writing this article asked, Why is it that the United States is making it easier to violate the intellectual property rights of our people while at the same time trying to convince China and others to respect the intellectual property rights of Americans? He asked that question in this article. Now, that is from a senior Chinese scholar about the legislation that we stopped last year, and that legislation was almost the same as what we are facing this year.

□ 2130

Certainly none of his criticisms are different for this year's bill than what they were for last year's bill.

Mr. Speaker, it's estimated that the U.S. economy loses \$250 billion a year from global intellectual property theft, and that does not take into account the jobs that are lost here when China and other countries steal and use our technology to compete with our own companies and put our own people out of work. That loss is billions and billions more.

Now, that's under current law they're able to steal that and use our technology against us. That's not under the watered-down system which will result from the so-called reform bill which is now being considered here on Capitol Hill. This at a time when our country can ill afford such a drain. We are trying to change our laws so that it will make it easier for foreigners to steal our technology and use it against us.

Yet, those pushing the so-called patent reform legislation are making our innovators and research industries even more vulnerable to such blatant theft, even though we are now in a time of economic hardship. Foreign firms in India and China and elsewhere are getting ready to pounce.

When looking at the general state of America's patent system, and that's what we're doing tonight, we need to admit, and I will fully admit, there are lots of flaws in our patent system and, yes, there are problems in our patent system that need to be addressed.

We hear of horror stories concerning companies that are tied up for years in court. We hear about examiners who are undertrained and overworked, and that's absolutely true. They aren't getting the training they need and they are not getting the pay they deserve.

There are delays and our innovators could use some help in protecting

themselves from foreign thieves and infringers. So we have got some problems with our patent system that need to be addressed.

But that has nothing to do with H.R. 1260, the bill now making its way through Congress. Everyone assumes that a bill entitled Patent Reform would be doing that, would be correcting the problems of the patent system. The title of this bill is so fraudulent that if it were a product, it would be banned from the market for making false claims.

This bogus reform bill has visited us before. As I say, it's come before. We've had these same multinational megacorporations trying to undermine the patent system. We've seen it time and again. But if it ever passes once, we're never going to be able to get these rights back.

A similar one was beaten back a dozen years ago, as well as another just a year ago. The same crowd that was behind those inventors' nightmares is behind this year's anti-inventor foray. Let's put it this way: They are powerful, multinational electronics companies with no allegiance to Americans or America. Let me just note that some of these companies, for example, have had situations in China where they ended up working with the Chinese dictatorship utilizing their computer systems to track down dissidents and to stamp out people who are struggling for freedom in that country. On our side—so that's the people who are trying to reform America's patent system.

On our side, well, we're just a ragtag group of legislative insurgents trying to stop this incredible change to the fundamental rights of our people. MARCY KAPTUR, a Congresswoman on the other side of the aisle and a fine friend and a wonderful Member of Congress, with little help from STENY HOYER, again, now a leader on that other side of the aisle, along with DON MANZULLO and JOHN CAMPBELL of California and myself and just a few others, we were able to fight that good fight over the years.

But no one thought we had a chance because we didn't have any of the big money behind us. We didn't have these multinational corporations. We didn't have the high-priced lobbyists who go to the Judiciary Committee year after year giving donations to the members of the Judiciary Committee in order to get this bill out in the form they want. No one thought that we had a chance because they already laid the foundation with all of their campaign donations and all of their influence in Washington. Well, so we were told even before it was brought up, you don't have a chance. Forget it.

We labeled their Trojan horse legislation, this antipatent legislation, we labeled it the Steal American Technologies Act. Again, it wasn't—these bills that we have defeated in the past are not that much different than what we have before us today. Well, that

Steal American Technologies Act, that label stuck, and it worked, with a little help from talk radio.

And then, also confirming that democracy really works, David beat Goliath. Yes, we, the small group of independent Members of the House, working together on both sides of the aisle, we won. And that means the American people won. Clearly, by the outcome, this wasn't a Democrat or a Republican issue. It was an American issue. The patriots beat the globalists.

Now, we have another attempt, very similar to the ones that we have beat in the past is being made now. It's working its way through the system in the name of harmonizing American patent law with the rest of the world. It's still here. We defeated it in the years past. If we don't win this time, all of these patent rights we've enjoyed will be lost forever because they're trying to tie this in to international agreements rather than the U.S. Constitution.

But, as I said, when they come back, the big companies that were pushing this have deep pockets and they're able to come back, but we who opposed it need the support of the American people if we are to win this battle with Goliath this year.

So here we go again. It's H.R. 1260. People should remember that number. It is the son of the Steal American Technologies Act. It contains all of those provisions that we hated so much. That bill has already passed through the United States Senate. It should be considered a primary threat to our freedom at this moment. The globalists, the corporate thieves and the looters behind this bill are intent to get it through and they will not give up. They must be defeated instead, and that won't happen on its own.

Those of us who are fighting the battle here in the House and in the Senate, we must act in coordination with the American people. The American people need to get involved or we lose.

What are some of the specifics that back up my charge that this bill undermines patent protection rather than reforms the system, as we are told?

Well, this first glaring issue is that the bill changes a fundamental concept that has always been part of American patent law which is differentiated from the other patent laws around the world. And that one element, the most important concept, is that it is the person who actually invents something who is the one who will get the patent and have the rights of ownership of that technology. The one who actually invents something.

Other countries have patents that are based on who managed to file for a patent first; in other words, who got to the paperwork, who could hire the lawyer, who managed to bribe the official or managed to understand the deadlines better, not who invented the technology, who filed the paperwork first. And this is as compared to our system where people who actually invent new technology have the right to own it.

The legislation now making its way through Congress changes our current system from first to invent, which is what it's been all these years from our country's founding, to what is called first to file. If put into law, any new application or action will be needed every time there's a little step forward in research. Any time one is going towards an eventual goal, even one step, there's going to be new paperwork demanded, new action, new applications to be filled out, rather than waiting for the goal to be achieved, waiting for the entire invention to actually be complete, so that it can be incorporated into a patent.

Well, because so many more patent applications are required now, if we make this change, to provide exactly the same protection, there will be a major new cost of getting a patent. Well, the little guys aren't going to be able to afford that cost. Well, the big guys can afford it. The major companies who have lots of lawyers working for them, they'll be able to afford that. The little guy will be frozen out. That's the intent of the legislation. That's what they want to do.

The massive new flood of paperwork into the Patent Office is also a doomsday scenario that is bound to make the Patent Office less effective in doing its basic job, which is protecting the patent rights of our people. That is the intent of the legislation, to basically make the Patent Office less effective, not more effective. So the little guy will get frozen out and the system becomes less manageable because you have all kinds of new paper to be dealing with.

Those powerful interests pushing this so-called harmonization know very well what the results will be. This isn't a mistake in communication. They know what they're doing. They already steal what they can from the little guys, and this will make it easier for them to steal from the little guys. It looks benevolent. It sounds benevolent, patent reform, but this is a sinister, sinister bill. It will destroy rights that the American people have had since the founding of our country and have had so much to do with our prosperity and our security.

Well, then, in this legislation, there is a pre-grant and post-grant review section. The bill opens up new avenues of attack before and after a patent application has been acted upon. For example, a patent applicant has applied for an overseas patent, and if he does, it opens him up to attack even before his patent is issued here in the United States.

This pre-grant opposition helps only the big guys, only the infringers and the looters. It hurts the little guys. And that's the intent of the law. That's why the change is being proposed. That's why they're pushing this law, because it hurts the little guys, and the big guys are pushing the bill.

Then the bill also contains a newly invigorated post-grant review, which

means yet another avenue to challenge patents after they've actually been granted, bogging down the system, increasing inventor costs, undermining legitimate inventors, and opening the door to foreign and multinational corporations who are all ready, they're ready to pounce to take advantage of yet another post-grant review of the patent.

For those of you in the know, the post-grant review is a totally unnecessary change, a nonlegislative reform in the interparties' reexamination, a reform that has already taken place, has taken care of any problem that this new legislation claims to address. So the problem that they were suggesting that would take care of has already been addressed through several court cases and internal reform. So the need for a post-grant review change is moot, unless, of course, your goal is to complicate the system, to bog it down so it doesn't work, which is the intent of the bill.

Reform that enables large companies, foreigners, and other infringers to attack our inventors again and again and add horrifying costs to the process is not reform.

And it is not just foreigners who are licking their chops. As I say, there are multinational corporations that are ready that may be headed by Americans who think of themselves as citizens of the world. They're ready.

But also, we've got, actually, companies that are ready to assist people who try to violate the little guy's patents rights. "Patent Assassin," that's a quote, "Patent Assassin" is a California company that is ready to help potential infringers, and I quote from their Web site. "You can easily infiltrate an existing patent while greatly reducing your company's patent infringement risk."

H.R. 1260 will only provide more tools for organizations like this and foreign companies, as well as major international corporations, to destroy the rights of inventors that they have enjoyed in this country since the founding of our country.

You know, when you look at the patent bill, much of it is not changing the way the patent system works, but, instead, changing litigation, so the way litigation is. This will be a tremendous boost for lawyers who are seeking to use their skills to take something away from someone who owns a little piece of property that he thought that he put his whole life into.

□ 2145

So, through H.R. 1260, we will add all sorts of new ways to attack America's inventors. The big guys don't care. They've got lots of lawyers working for them. The big guys will be able to beat down the little guys, Americans, just like the little guys in Japan are beaten down by the economic shoguns.

By the way, in Japan, that's why there are so few really groundbreaking inventions. Japan has a totally dif-

ferent system than ours. Their patent system favors the mega-corporations at the expense of the little guy. In fact, the Japanese system is what they want to harmonize our system with. Those rights are protected here in the United States by our Constitution and by the way our system works. In Japan, their people are vulnerable.

Do we really want to be like those people in Japan?

No, we don't want to harmonize the strong legal protections of our citizens with the weak legal protections in Japan and in other countries of the world. We don't want Americans to be like the Japanese. We want Americans who are individuals, who are proud of their individual rights, not people who cower before powerful interest groups as they do in Japan. Foreign companies and American-run multinational firms are ready to squash the little guy. That's what this bill is all about, and we've got to stop them.

Another example of the real threat of H.R. 1260 is it would make it more difficult for a patent owner to get triple damages against an infringer who brazenly ignores the patent owner's rights and uses his invention, even knowing he is stealing it, without offering to pay a royalty. Without triple damages, which is what someone gets now—the inventor will get triple damages against a big company that just willfully takes his patent rights and refuses to pay him a royalty. Without triple damages, these little guys won't be able to get the lawyers to work for them on a contingency, which is the only way that someone who is a little guy and who has been wronged by a huge multinational corporation, is going to be able to have any chance of winning. Only big companies with lawyers on staff will be able to protect their patents. Nobody else will be able to because the little guy, without triple damages there to help pay for the lawyer, won't be able to get a lawyer to work with him. Giant foreign and multinational companies versus individual American inventors: If they win, we lose. If this bill passes, America loses.

Eliminating the right to triple damages is still in the House version of this so-called reform bill. This absurdly bad provision is not in the Senate bill, but until that bill appears in a final form from the conference committee and is voted for on the House floor and on the Senate floor in its final version, that provision can stay in. We have no idea whether that provision will stay in, as is in the House version, or will be taken out, as is in the Senate version.

It's not just triple damages, but it's also how the damages themselves will be calculated, which is yet another avenue of attack on the little guy by the big guys in this so-called patent reform bill.

The electronics industry is arguing that any payment for patent infringement, which is the only penalty that can be paid—meaning if they stole somebody's idea and put it into their

computer—must reflect what percentage it is of that which they have stolen of the entire device or end product. Thus, a mega-corporation will intentionally infringe because stealing is going to be a lot easier than will negotiating a price with the inventor. If someone is stealing someone else's invention, it basically eliminates someone's right to negotiate that price, and if the damages can only be equal to a small percentage of the device in which it's placed, the corporation will do that—will steal it—rather than negotiate a royalty agreement.

This is an invitation to steal. This totally destroys the inventor's right to negotiate the price for his property. Combine that with the increased difficulties in claiming what "willfulness" is in that they're trying to make it more difficult to prove that someone has intentionally stolen someone's property. This means that the infringers who have intended to steal technology and who have done so with an arrogant disregard for the small patentholder will get away with their crimes, and the patentholder will be left with a minuscule award, so minuscule that he won't be able to hire legal services to help him assert his rights to the properties that he has created.

This is in total violation of what our Constitution was all about. Our Constitution was about protecting that man's right to his inventions and to his discoveries. That's what it says in the Constitution, but this bill is going through, and it will have a dramatic impact on our way of life. If made law, this will kill any chance for individuals to hire legal muscle needed to enforce one's patent rights against corporate or foreign theft.

So, yes, we've got mega-corporations run by people who don't consider themselves patriots, but foreign corporations will have that same power. They'll use our technology against us. The inventor who may have struggled for years to discover and to develop the invention, who might have even invested his life savings, will be at the mercy of foreign and corporate thieves. Punishing the large multinational corporations for malfeasance, or for intended theft, which is what happens today when these companies steal from the little guy, will be a thing of the past. That's what the big guys want. They don't want to get away with murder, but they want to get away with just about everything else.

That's what this so-called patent reform is all about. It is clear the so-called patent reform bill is designed to help the law breaker—the big guns—and to hurt the little guy. It helps foreign infringers and it hurts Americans. It's the patriots versus the globalists. All of this—the shift to first to file, pre- and post-grant review, changes to basic willfulness, and calculable damages—really amounts to more than harmonization, doesn't it? We're not just talking about harmonizing with the rest of the world. When you put all of this together, what do you get?

The electronic mega-companies behind the scurrilous legislation have labeled themselves the so-called “coalition for patent fairness.” What do they want to do? It’s very clear. They don’t want patents at all. They would be much better off if we rid our country and the world of the idea of patents all together. It’s just too bothersome for them, and so to hell with all the others—the inventors, the green-collar jobs, the biotechnology, the pharmaceuticals, our university research programs—all of which have a profound dependence on a strong patent system. These high-tech and mega-electronics corporations say they can just go to hell. All of these will suffer by this so-called reform legislation. So big electronics is thumping its nose at America, and it thinks it can get away with it.

All of the rest of us, all of these other interests in our society—the universities and the biotechs and other interests which rely on patents and the pharmaceutical industry which pumps so much money into research—will just have their research stolen from them by foreign corporations.

Look at the main proponents of H.R. 1260. Now, I won’t name who the main proponents are of H.R. 1260. I won’t name them—they’re these mega-electronics companies—but they are made up of only one narrow sector of the entire American industry. These companies got to the top by using aggressive business models that, at best, put them into the gray area. Now that they are on top, they want to change the rules so they can stay up on top by keeping others down.

Let me say that just a few more than a dozen of these companies that are behind this legislation—a few more than a dozen—have faced hundreds of lawsuits for infringement in the past decade. From 1996–2008, these very companies that are at the heart of the coalition, who are pushing for this destructive legislation, were defendants in 730 patent infringement cases and paid out almost \$4 billion in patent infringement settlements during the same period.

So no wonder they want to change the rules. No wonder they want to destroy the patent system. By coming here and giving people campaign donations and by spending all of this money in promoting this monstrous bill, it costs them a lot less money to change the law than it does for them to have to pay for the infringement and to have to pay for the crimes against these small inventors. They want to make sure that, actually, they will be able to steal the product of other people’s work, of these small inventors in our country. Actually, it will pay them to do so rather than to try to work out an understanding of where that person could be paid a royalty, which is what they should be paid when they own a piece of intellectual property.

Well, we don’t work for these big companies. We work for our families,

for our communities, and we work for America. We are the patriots. We are not the globalists. Most of the corporate elites of those mega-firms see themselves as citizens of the world, while we are Americans. The changes in this bill are designed to help a few hugely rich companies, and it will devastate hundreds more.

Dozens and, indeed, hundreds of organizations have expressed outright opposition or deep concern with this bill. They are telling Congress do not favor one narrow industry simply because it has been so active and has been involved with pushing this legislation. Do what is best for America. We need the American people to tell that to their Representatives and to let their Representatives know that they are watching what goes on with patent law.

The big corporate thieves are depending on us to be so bored with the issue. “Oh, I’m just going to tune it out because it sounds like it’s boring, and I couldn’t understand it.” That’s what they’re relying on. Well, it’s not too boring, and people can understand it. People should understand how important it has been that our country has had the strongest patent protection of any country on this planet, just as we have had the same and strongest protection for the other rights—for our freedom of speech, for our freedom of religion and for other rights.

What would happen if, in order to harmonize the freedom that we enjoy with the rest of the world—the freedom of religion and the freedom of speech—we were told that our protections of these freedoms would have to be diminished because we would have to diminish the protections of freedom of speech, of assembly and of religion because they need to be harmonized with the rest of the world? Well, the uproar would sweep across our country, but the deletion of this right, the diminishing of patent protection, seems so esoteric to most people that they won’t even listen. But if we don’t listen and if we don’t get involved, the big guns will think that they can slip it over on us. They’ve been trying to do that for 15 years. Only a small group of us has been able to stand up, but we need the help of the American people.

We need the American people to speak up. We need people to call talk radio. We need people to confront their own Members of Congress. We need to tell the powerful infringers, You are not going to diminish the rights of the American people in order to harmonize the law internationally. The patriots in this country are not going to see their rights diminished in order to create a new world order where we can all live in harmony with the rest of the world, which, of course, is run by gangsters and thugs—half of the rest of the world. We’re not going to act like people in the rest of the world where we let the elite tell us what to do. We have constitutional rights. We are Americans, but it’s up to us to protect those rights.

Wake up, America. Our freedom is being threatened. Every generation has met the challenges, and now it is up to us—us, United States, U.S. It is up to us.

Well, we are on the edge right now. We are on the edge on a lot of things. Our economy is going down. This could be the nail in the coffin. If this bill passes, it will have dramatic, negative, long-term effects on our economy and on the well-being and prosperity of our people. We need to act. Wake up, America.

With that, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for July 13.

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. BOEHNER) for July 13 on account of personal reasons.

Mr. UPTON (at the request of Mr. BOEHNER) for July 13 on account of family commitments.

Mr. YOUNG of Florida (at the request of Mr. BOEHNER) for today on account of a family medical emergency.

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. MCMAHON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

Mr. DELAHUNT, for 5 minutes, today.

Mr. BRADY of Pennsylvania, for 5 minutes, today.

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

Mr. POE of Texas, for 5 minutes, July 20 and 21.

Mr. JONES, for 5 minutes, July 20 and 21.

Mr. PENCE, for 5 minutes, today.

Mr. INGLIS, for 5 minutes, July 20.

Mr. BILIRAKIS, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today, July 15, 16 and 17.

Mr. GINGREY of Georgia, for 5 minutes, today.

Mr. FORTENBERRY, for 5 minutes, today.

Mrs. BACHMANN, for 5 minutes, today.

Mr. BROUN of Georgia, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. SHIMKUS, for 5 minutes, today.

Mr. HIMES, for 5 minutes, today.