

matters that are not of historic moment in terms of the history of this country but they're of enormous importance to the constituents for whom we serve. This example of cooperation of the whole House in bringing this matter to our attention and remedy is, I think, salutary and commendable, and I thank all of those that worked with JOHN DUNCAN on this.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 6397.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING THE 30TH ANNIVERSARY OF THE BAYH-DOLE ACT

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 328) expressing the sense of the Congress regarding the successful and substantial contributions of the amendments to the patent and trademark laws that were initially enacted in 1980 by Public Law 96-517 (commonly referred to as the "Bayh-Dole Act") on the occasion of the 30th anniversary of its enactment.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 328

Whereas Article I, Section 8, Clause 8, of the United States Constitution provides that Congress shall have 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";

Whereas the United States Government is one of the largest funders of research in the world, but that research does not fully benefit American taxpayers unless it contributes new products and processes to the marketplace, thereby creating new companies and jobs, and solving societal problems;

Whereas the commercial development of discoveries and inventions falls upon private sector entrepreneurs, often requiring millions of dollars in development funding over many years, and even then commercial success is uncertain at best;

Whereas by enacting Public Law 96-517 (commonly referred to as the "Bayh-Dole Act") in 1980, Congress determined that a fundamental change was needed to implement a uniform Federal patent policy, restoring the intended incentives of Article I, Section 8, Clause 8 of the United States Constitution as it relates to federally funded research;

Whereas before the enactment of that Act, few inventions arising from the billions of taxpayer dollars granted each year to American research universities, nonprofit organizations, and Federal laboratories were being translated into commercial products of benefit to the public and the United States economy;

Whereas a critical factor in developing federally funded inventions into commercial

products is the continued involvement of the inventor in the process, and Government patent policies before the enactment of the Bayh-Dole Act chilled the intended incentives of the patent system in this regard;

Whereas the ability to obtain a reliable patent license for commercial development is needed to justify private sector investments, and Government patent policies before the enactment of the Bayh-Dole Act made negotiating and obtaining such licenses difficult, if not impossible;

Whereas patent ownership of potentially important inventions is crucial in the formation of many start-up companies, which form vital parts of an innovation economy, and ownership rights were discouraged by Government patent policies before the enactment of the Bayh-Dole Act;

Whereas in 1984 Congress built upon the firm foundation of the Bayh-Dole Act by permitting, in Public Law 98-620, nonprofit organizations and universities to grant licenses during the entire patent term and also to provide uniform treatment under the Bayh-Dole Act of inventions produced by nonprofit organizations that operate Government-owned laboratories;

Whereas the Bayh-Dole Act has provided incentives for universities, nonprofit organizations, and small businesses to effectively manage inventions arising from Federal support as valuable resources on behalf of United States taxpayers;

Whereas the success of the Bayh-Dole Act became apparent with the creation and dominance of the United States biotechnology and information technology industries, that remain largely dependent on university research;

Whereas the Bayh-Dole Act has been widely recognized as a best practice and is now being adopted by other countries (both developed and developing) around the world to better integrate their own research universities into their economies in order to be more competitive;

Whereas objective examples of how the Bayh-Dole Act has not only benefitted the United States but has also created a better world include the creation of over 150 new drugs, vaccines, or in vitro devices, including the hepatitis B vaccine, cisplatin, carboplatin and taxol anticancer therapeutics, laser eye surgery devices, the Palmaz balloon expandable stent, and many more; and

Whereas economic activity spurred on by the Bayh-Dole Act include the formation of more than 6,500 new companies from the inventions created under the Act, an estimated contribution of \$450,000,000,000 to United States gross industrial output, and the creation of 280,000 new high technology jobs between 1999 and 2007: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) it is the sense of the Congress that—

(A) the Bayh-Dole Act (Public Law 96-517), as amended by Public Law 98-620, has made substantial contributions to the advancement of scientific and technological knowledge, fostered dramatic improvements in public health and safety, strengthened the higher education system, led to the development of new domestic industries and hundreds of thousands of new private sector jobs, and benefitted the economic and trade policies of the United States; and

(B) that Act remains critical to the future well being of the United States;

(2) the Congress reaffirms both its support for this landmark legislation and the critical role that innovation, entrepreneurship, and job creation hold for the future of the United States, and its commitment to the policies and objectives of that Act; and

(3) the Congress shows its gratitude for the bipartisan leadership shown by Senators Birch Bayh and Robert Dole and Representatives Peter Rodino, Hamilton Fish, Robert Kastenmeier, Tom RAILSBACK, Don Fuqua, and former Chairman and Ranking Minority members of the Senate Judiciary Committee, Edward Kennedy, and Strom Thurmond for securing the enactment of the Bayh-Dole Act, for strengthening it in 1984, and for providing unwavering support for the policies underlying that Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material.

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

There was no objection.

Mr. CONYERS. I yield myself as much time as I may consume.

Mr. Speaker, this resolution recognizes the 30th anniversary of the Bayh-Dole Act, a landmark piece of legislation that reshaped the landscape of technological innovation in the United States by clarifying intellectual property rights in government-funded inventions.

What that means is that, prior to this act, our country was stuck in a form of economic malaise, and innovation was, frankly, stifled. The stiff international competition we faced at the time wasn't just a matter of Europe and Japan getting back on their feet. It was also a matter of them, frankly, outpacing us in technological development.

We knew we had to better harness all our innovation capacity, particularly the work being done at our research universities. At the time, policies mandated Federal Government ownership of patent rights for any research done with Federal funding. Since most university research had some sort of Federal funding, the universities had no say, and no stake, in the patent rights of their own research.

Then there were the rules in licensing what patents existed which were considered cumbersome and discouraged use by the private sector. The situation literally led to technologies being left on the shelf to gather dust, and we were falling behind in this area.

This bill of 30 years ago also revolutionized the way patent rights in university inventions were to be dealt with. The Bayh-Dole Act allowed universities to own patents, license them out to the private sector, and split royalties earned with professors and students who worked on the invention.

With the barriers to obtaining patent licenses removed, private investors could easily partner with federally funded research institutions and begin

to develop groundbreaking innovations for commercial use.

This bill, this law, aligned the interests of universities and faculty and the private sector and thereby ushered in an unprecedented level of collaboration between these groups. It further channeled the imagination of our best and brightest to help make a better future for all of us.

So, in the last 30 years since Bayh-Dole, it has led to the creation of over 150 new pharmaceuticals and medical treatments, including a hepatitis B vaccine, cancer treatments, in vitro devices, the Palmaz balloon expandable stent, and many others.

Estimates tell us that Bayh-Dole has added at least \$450 billion to the United States' gross industrial output and that between 1999 and 2007 it created probably more than 280,000 new high-tech jobs.

The Bayh-Dole Act has been recognized around the world as a best practice and has served as a model for laws adopted by other Nations hoping to replicate the success that we had in our own country in building partnerships between federally funded researchers and private investors.

The Economist magazine called the Bayh-Dole Act "perhaps the most inspired piece of legislation to be enacted in America over the past half-century."

□ 1520

For those reasons, I urge that we celebrate the 30th anniversary passage of this very important piece of legislation.

I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself as much time as I may consume.

The purpose of H. Con. Res. 328 is to express the sense of Congress regarding the successful and substantial contributions of the Bayh-Dole Act on the occasion of the 30th anniversary of its enactment. The Act establishes the rules of the road governing patent rights when the Federal Government and private entities participate in joint research that produces patentable inventions. Article I, section 8, clause 8 of the United States Constitution provides Congress with the authority "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."

The drafters of the Constitution, however, couldn't have predicted that the Federal Government would one day become a catalyst for the development of advanced technologies. Prior to Bayh-Dole, the Federal Government permitted the private sector to commercialize less than 5 percent of the government's patent portfolio. As former Senator Robert Dole stated in 2005, the government's track record on promoting university-born technologies during the 1960s and 1970s was "dismal." The failure to capitalize on

this important research delayed innovations that could have improved the quality of life for millions of Americans. What was the government doing wrong before 1980? Simply put, the government was focused on something else. At the time, at least 26 distinct Federal agency policies controlled how the federally funded research and development could be used.

Bayh-Dole fundamentally changed the government's patent policy by replacing helter-skelter licensing practices with a single uniform policy. This shift created the incentives that private industry, including small businesses, nonprofits, and universities, needed to risk their capital and develop patented inventions. Bayh-Dole has created a culture of cooperation and collaboration among government, university, and private-sector researchers. The act contributed to the commercial development of new industries such as biotechnology and nanotechnology.

In 2003, the President's Council of Advisers on Science and Technology affirmed the importance of Bayh-Dole by reporting that it dramatically improved the Nation's ability to move ideas from research and development to the marketplace and into commerce. This same organization determined that the system for transferring technology from nonprofit institutions, which includes universities, hospitals and government laboratories, to the private sector has worked very well.

H. Con. Res. 328 reaffirms Congress' commitment to the policies and objectives of Bayh-Dole. This Act has sparked 30 years of enhanced research and development within the United States, leading to dramatic improvements in public health and safety, a strengthened higher education system in the United States, and the development of new domestic industries that have created tens of thousands of highly skilled jobs for America's citizens. Mr. Speaker, Bayh-Dole illustrates how the government and private industry can work together for the good of the American people. I salute the authors of Bayh-Dole and reaffirm my commitment to this Act.

I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 328.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COPYRIGHT CLEANUP, CLARIFICATION, AND CORRECTIONS ACT OF 2010

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3689) to clarify, improve, and correct the laws relating to copyrights, as amended.

The Clerk read the title of the bill.

The text of the amendments is as follows:

Amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Copyright Cleanup, Clarification, and Corrections Act of 2010".

SEC. 2. REFERENCE.

Except as otherwise specifically provided, whenever in this Act a section or other provision is amended or repealed, such amendment or repeal shall be considered to be made to that section or other provision of title 17, United States Code.

SEC. 3. COPYRIGHT OFFICE PROCEDURES.

(a) DIRECTORY OF AGENTS OF SERVICE PROVIDERS.—Section 512(c)(2) is amended, in the matter following subparagraph (B), by striking "in both electronic and hard copy formats".

(b) RECORDATION OF DOCUMENTS.—Section 205(a) is amended by adding at the end the following: "A sworn or official certification may be submitted to the Copyright Office electronically, pursuant to regulations established by the Register of Copyrights."

SEC. 4. REPEAL OF EXPIRED PROVISIONS.

(a) REPEAL.—Section 601, and the item relating to such section in the table of sections for chapter 6, are repealed.

(b) CONFORMING AMENDMENTS.—

(1) CLERICAL AMENDMENT.—(A) The heading for chapter 6 is amended to read as follows:

"CHAPTER 6—IMPORTATION AND EXPORTATION".

(B) The item relating to chapter 6 in the table of chapters is amended to read as follows:

"6. Importation and Exportation 601".

(2) APPLICATION FOR COPYRIGHT REGISTRATION.—Section 409 is amended—

(A) in paragraph (9), by adding "and" after the semicolon;

(B) by striking paragraph (10); and

(C) by redesignating paragraph (11) as paragraph (10).

(c) INFRINGING IMPORTATION OR EXPORTATION.—The second sentence of section 602(b) is amended by striking "unless the provisions of section 601 are applicable".

SEC. 5. CLARIFICATIONS.

(a) CERTAIN DISTRIBUTIONS OF PHONORECORDS.—Section 303(b) is amended by striking "the musical work" and inserting "any musical work, dramatic work, or literary work".

(b) PROCEEDINGS OF COPYRIGHT ROYALTY JUDGES.—Section 803(b)(6)(A) is amended by striking the second sentence and inserting the following: "All regulations issued by the Copyright Royalty Judges are subject to the approval of the Librarian of Congress and are subject to judicial review pursuant to chapter 7 of title 5, except as set forth in subsection (d)."

(c) LICENSES FOR CERTAIN NONEXEMPT TRANSMISSIONS.—Section 114(f)(2)(C) is amended by striking "preexisting subscription digital audio transmission services or preexisting satellite digital radio audio services" and inserting "eligible nonsubscription services and new subscription services".