One of the many reasons that I strongly opposed President Clinton's 1993 budget was that it violated our contract with military and civil service retirees by delaying the payment of their annual cost of living adjustments. Further, this legislation treated both groups differently by providing for a 3 month delay in the payment of benefits for civil service retirees but a 9 month delay in the payment of benefits for military retirees.

There is no doubt in my mind that those men and women who risked their lives in the defense of our great Nation are willing to do their part to help get our fiscal house in order. What they expect and deserve, though, is fairness. This legislation restores fairness and equity so that military retirees are treated the same as other Federal retirees.

Last year, the Appropriations Subcommittee on National Defense was successful in providing the funds necessary to eliminate the disparity between the effective dates for military and civilian retiree COLA's for 1995. While we were successful in eliminating the COLA disparity for this year, President Clinton's 1996 budget request still left a disparity in the adjustment dates for the next 3 years.

To resolve this issue and restore pension equity, the House included an important provision in the Balanced Budget Act we approved on October 26th which eliminates this disparity by placing military retiree COLAs on the same schedule as those for Federal retirees. We recognize in the House that asking military personnel, their families and retirees to accept a substantial reduction in retirement benefits is an affront to those who serve, and those who have served. This is an issue of fairness to the more than 1.5 million military retirees across our Nation.

Unfortunately, the Senate insisted on dropping this provision from the conference report on the Balanced Budget Act which we considered in the House yesterday. Because I believe this issue is so important and should be dealt with immediately, I have introduced H.R. 2664 with 130 co-sponsors to restore COLA equity for military and civil service retirees.

While some may propose changing our Nation's military retirement benefits to achieve further budget savings, as the Chairman of the National Security Appropriations Subcommittee my priority is to ensure that promises made to our Nation's military personnel are kept. I have steadfastly opposed any changes which break this pact and treat veterans and military retirees unfairly and would urge the House leadership to expedite the consideration of H.R. 2664.

A SALUTE TO THE CFL CHAMPION BALTIMORE STALLIONS

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1995

Mr. CARDIN. Mr. Speaker, I rise today to honor the accomplishments of my hometown Baltimore Stallions, 1995's Grey Cup CFL Champions. This class organization, in just its second year of existence, has become the first American team to win the Grey Cup, Canadian football's version of the Super Bowl.

Led by C.F.L. most valuable player Mike Pringle, along with the quarterback Tracy Ham and an excellent supporting cast, the Stallions victory in their second consecutive Grey Cup appearance is proof that football has, indeed, been alive and well in Baltimore for quite some time now. In winning the Grey Cup, the Stallions have capped off a remarkable season this year by finishing 18–3, a new C.F.L. record.

This victory also completes a football trifecta for Baltimore as we become the first city to have won an N.F.L. title, a U.S.F.L. title, and now our latest, a C.F.L. crown for our Stallions. I am proud to be a Baltimorean today Mr. Speaker, as I congratulate the 1995 C.F.L. Champion Baltimore Stallions.

THE GANG RESISTANCE EDUCATION AND TRAINING PROGRAM

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1995

Mr. HOYER. Mr. Speaker, I rise today to honor and draw attention to an effective program worthy of commendation and support. The Gang Resistance Education and Training program, [G.R.E.A.T.]. The program, developed in 1991, is sponsored by the Bureau of Alcohol, Tobacco and Firearms. Currently, the program is taught in 45 States by over 1,300 officers representing 548 agencies. During the 1995–1996 school year, over 21,000 students will receive the G.R.E.A.T. curriculum in Prince George's County, MD.

The G.R.E.A.T. program is a prevention program designed to help seventh graders become more responsible members of their communities. It establishes a joint enterprise between the police, the school system, and parents and provides a unique educational program which helps students set goals for themselves, resist hostile or illegal peer pressure, learn how to resolve conflicts without violence, and understand how gangs could ruin their lives.

Not a day goes by without negative stories about our Nation's young people and their increasing involvement in criminal activity. This builds a strong case for involving our young people in programs that compensate for the crime and violence, drugs and alcohol abuse, and negative activity that is all too prevalent in our society. Timely and well-managed programs such as G.R.E.A.T. and strong support can make the difference between a wasted and a productive life.

The future of America's children remains precarious. In our society, young people are confronted with the difficult task of overcoming many obstacles which threaten their maturation. As we look towards the future of this great Nation, this is a loss our country cannot afford. Fostering development of programs that promote successful passage from adolescence to adulthood is the right thing to do because we help prevent youth from adopting antisocial and irresponsible lifestyles.

As gangs and gang related violence rise in our country, preventive programs will be on the forefront of the fight in reducing crime and substance abuse. I will continue to support the G.R.E.A.T. program and others which enable our youth to realize they have positive options for their future.

Today I was joined at a press conference by Brett Sturgill, an eighth grader at Benjamin Tasker Middle School in Bowie, MD. His statements clearly illustrate the success of the G.R.E.A.T. program and the necessity of continuing to expand the program in order to reach more of our children. I respectfully submit that his remarks be entered into the RECORD.

G.R.E.A.T. PRESS CONFERENCE

During my seventh grade year here at Tasker, I took part in the G.R.E.A.T. program. G.R.E.A.T. is Gang Resistance Education and Training. We learned that we all have basic needs. Three physical needs are food, water, and shelter. But just as important are three emotional needs of love, caring, and understanding. These three emotional needs should be met by your family and friends. But sometimes when there are problems in families, kids turn to gangs. We learned that this is not good because gangs are groups of people out to do harm. Gang activities often lead to crime and with every crime there is always a victim. We role-played various gang situations and discussed victim's rights.

We learned the importance of the extended family which includes not only immediate family but other relatives and friends who are supportive of us. Each family has traditions and rituals which are part of their culture. These traditions can be anything from opening gifts on Christmas Eve to having pizza on Friday nights to special celebrations for birthdays. These traditions and rituals are important because they make us feel like we are a part of the family. We also learned that it is important to respect other people's cultures.

Conflict resolution was another important part of G.R.E.A.T. We learned that when there is a conflict we should first identify the problem. Then we need to think about our possible choices and the consequences of each choice. After that we should decide which action would be best and then do it. The last thing is to think about our action and the consequences of it. Did the problem work out okay? Did we make a good choice?

We also learned that we have responsibilities at home, at school, and in the neighborhood. These might be taking out the trash, feeding the dog, doing the dishes, shoveling the driveway for a neighbor, or doing our best in school.

Goal setting is another important part of G.R.E.A.T. A goal is something you want to do in the future. They can be short term goals like getting an A on an Algebra test or long term goals like going to college.

Set goals, be responsible, be a part of an extended family of relatives and friends who support each other, and avoid groups of people who are out to do harm. That is the message of G.R.E.A.T.

VETERANS EMPLOYMENT AWARD

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1995

Mr. STUMP. Mr. Speaker, recently my very good friend SONNY MONTGOMERY was honored for his service to our Nation's veterans. I would like to insert the following statement in the CONGRESSIONAL RECORD, so that all Members may share in this tribute:

VETERANS EMPLOYMENT AWARD

On November 9, 1995, Assistant Secretary of Labor for Veterans' Employment and

Training Preston M. Taylor Jr. presented Congressman G.V. (Sonny) Montgomery, ''Mister Veteran'', with the Veterans Employment Award at the Department of Labor's 15th Annual Salute to All American Veterans, in Washington, DC.

The award, created by the Veterans' Employment and Training Service, will be presented annually in Congressman Montgomery's honor to a veterans' advocate as part of future Salute ceremonies. The agency will use the high standard of advocacy set by ''Mr. Veteran'' himself to judge those who follow in receipt of this commemorative award.

In recognizing Congressman Montgomery, Secretary Taylor noted that since next year the 104th Congress would have adjourned before Veterans's Day, the Department of Labor's Veterans' Employment and Training Service wanted to recognize at this Salute ceremony the contributions Mr. Montgomery has made to veterans in general and to the agency in particular.

The Salute ceremony program of events included a brief sketch of the honoree's biographical highlights and a letter from President Clinton expressing his deep appreciation to Sonny Montgomery for all he has done on behalf of America's veterans.

Secretary Taylor observed that Mr. Montgomery regards the men and women of the armed forces almost as family members whose interests he had tried to protect and advance from his strategic committee positions. Also, as a lawmaking guardian, Mr. Montgomery is known to be caring but stern, and will invest all his energies to protect and expand benefits he believes veterans have coming to them. Taylor said that his special presence for all veterans, reservists, and National Guard members will be missed.

STATEMENT OF REPRESENTATIVE JOSEPH P. KENNEDY II, NOVEMBER 20, 1995

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1995

Mr. KENNEDY of Massachusetts. Mr. Speaker, today I am introducing the Mom and Pop Protection Act. The Mom and Pop Protection Act provides low-cost loans for the installation of security-related features in a convenience store. Under this act, MAPPA money would be made available for small businesses to make crime-fighting improvements that may have been unaffordable in the past.

This bill is aimed at helping mom and pop convenience stores create a safer workplace for clerks and employees who have all too often been the victims of armed robbery and violence.

We have seen crime against convenience stores rise by 38 percent nationally. Too many clerks in our neighborhood convenience stores have faced criminals who have threatened their lives at gunpoint. These criminals often prey on stores that lack the means to install the security devices this legislation makes affordable.

The act makes the installation of video-surveillance cameras and cash lockboxes possible for small businesses who could not otherwise afford such equipment.

This legislation offers the small business owner an opportunity to install equipment that has been proven to reduce crime against convenience stores. Installation of these features has been shown to reduce crime against convenience stores by 20 percent.

Mr. Speaker, the Mom and Pop Protection Act is a probusiness approach to fighting crime. It offers small business owners the opportunity to take advantage of crime prevention methods that larger, better financed convenience stores already have in place.

s owners the opportunity to take advantage of crime prevention methods that larger, better financed convenience store

INTELLECTUAL PROPERTY ANTITRUST PROTECTION ACT OF 1995

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1995

Mr. HYDE. Mr. Speaker, today I am introducing the Intellectual Property Antitrust Protection Act of 1995. I am pleased to be joined by my colleagues on the Judiciary Committee, Mr. MOORHEAD, Mr. SENSENBRENNER, Mr. GEKAS, Mr. COBLE, Mr. SMITH of Texas, Mr. CANADY, Mr. BONO, Mr. BRYANT of Tennessee, and Ms. LOFGREN who are original sponsors of this legislation.

Because of increasing competition and a burgeoning trade deficit, our policies and laws must enhance the position of American businesses in the global marketplace. This concern should be a top priority for this Congress. A logical place to start is to change rules that discourage the use and dissemination of existing technology and prevent the pursuit of promising avenues of research and development. Some of these rules arise from judicial decisions that erroneously create a tension between the antitrust laws and the intellectual property laws.

Our bill would eliminate a court-created presumption that market power is always present in a technical antitrust sense when a product protected by an intellectual property right is sold, licensed, or otherwise transferred. The market power presumption is wrong because it is based on false assumptions. Because there are often substitutes for products covered by intellectual property rights or there is no demand for the protected product, an intellectual property right does not automatically confer the power to determine the overall market price of a product or the power to exclude competitors from the marketplace.

The recent antitrust guidelines on the licensing of intellectual property—issued jointly by the antitrust enforcement agencies, the Department of Justice and the Federal Trade Commission—acknowledge that the court-created presumption is wrong. The guidelines state that the enforcement agencies ''will not presume that a patent, copyright, or trade secret necessarily confers market power upon its owner. Although the intellectual property right confers the power to exclude with respect to the *specific* product, process, or work in question, there will often be sufficient actual or potential close substitutes for such product, process, or work to prevent the exercise of market power.'' Antitrust Guidelines for the Licensing of Intellectual Property dated April 6, 1995 at 4 (emphasis in original).

For too long, Mr. Speaker, court decisions have applied the erroneous presumption of market power thereby creating an unintended conflict between the antitrust laws and the intellectual property laws. Economists and legal scholars have criticized these decisions, and more importantly, these decisions have discouraged innovation to the detriment of the American economy.

The basic problem stems from Supreme Court and lower Federal court decisions that construe patents and copyrights as automatically giving the intellectual property owner market power. *Jefferson Parish Hospital District No. 2* v. *Hyde,* 466 U.S. 2, 16 (1984); *United States* v. *Loews, Inc.,* 371 U.S. 38, 45 (1962); *Digidyne Corp.* v. *Data General Corp.,* 734 F.2d 1336, 1341–42 (9th Cir. 1984), cert. denied, 473 U.S. 908 (1984). To be sure, some courts have also refused to apply the presumption despite the Supreme Court's rulings. *Abbott Laboratories* v. *Brennan,* 952 F.2d 1346, 1354–55 (Fed. Cir. 1991), cert. denied, 505 U.S. 1205 (1992): *A.I. Root Co.* v. *Computer/Dynamics, Inc.,* 806 F.2d 673, 676 (6th Cir. 1986). As the guidelines note, the law is unclear on this issue. Antitrust Guidelines for the Licensing of Intellectual Property dated April 6, 1995 at 4 n. 10. This lack of clarity causes uncertainty about the law which, in turn stifles innovation and discourages the dissemination of technology.

For example, under Supreme Court precedent, tying is subject to per se treatment under the antitrust laws only if the defendant has market power in the tying product. However, the presumption automatically confers market power on any patented or copyrighted product. Thus, when a patented or copyrighted product is sold with any other product, it is automatically reviewed under a harsh per se standard even though the patented or copyrighted product may not have any market power. As a result, innovative computer manufacturers may be unwilling to sell copyrighted software with unprotected hardware—a package that many consumers desire—because of the fear that this bundling will be judged as a per se violation of the prohibition against tying. The disagreement among the courts only heightens the problem for corporate counsel advising their clients as to how to proceed. Moreover, it encourages forum shopping as competitors seek a court that will apply the presumption. Clearly, intellectual property owners need a uniform national rule enacted by Congress.

Very similar legislation, S. 270, passed the Senate four times during the 101st Congress with broad, bipartisan support. During the debate over that legislation, opponents of this procompetitive measure made various erroneous claims about this legislation—let me dispel these false notions at the outset. First, this bill does not create an antitrust exemption. To the contrary, it eliminates an antitrust plaintiff's ability to rely on a demonstrably false presumption without providing proof of market power. Second, this bill does not in any way affect the remedies, including treble damages, that are available to an antitrust plaintiff when it does prove its case. Third, this bill does not change the law that tying arrangements are deemed to be per se illegal when the defendant has market power in the typing product. Rather, it simply requires the plaintiff to prove that the claimed market power does, in fact, exist before subjecting the defendant to the per se standard. Fourth, this bill does not legalize any conduct that is currently illegal.

Instead, this bill ensures that intellectual property owners are treated the same as all other companies under the antitrust laws, including those relating to tying violations. The bill does not give them any special treatment,