

The United States is a great nation because for more than 200 years we have worked together to honor the religious convictions of freedom and celebrated the extraordinary religious diversity of our people. By unleashing the full strength of that freedom and diversity we can ensure that nothing will be able to divide us or defeat us.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DORNAN) is recognized for 5 minutes.

[Mr. DORNAN addressed the House. His remarks will appear in the Extensions of Remarks.]

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New York (Mr. OWENS) is recognized for 15 minutes as the designee of the minority leader.

[Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

DAMAGING CHANGES PROPOSED TO U.S. PATENT LAW

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California (Mr. ROHRBACHER) is recognized for 30 minutes as the designee of the majority leader.

Mr. ROHRBACHER. Mr. Speaker, I am here tonight to discuss a bill that will be coming to this body next week or the week thereafter. A bill that will dramatically—dramatically—change the patent laws of this country.

Mr. Speaker, it is a bill that I believe is part of an insidious attack on the well-being of the American people. They will not even realize how horrible it is and the impact that it will have on their way of life until many years after. Only when it has long since been passed will the American people wonder what it was that hit them, why their standard of living is going down, why America is no longer able to compete.

Mr. Speaker, the American people are used to being the leaders on this planet. We have been, and this has been called the American Century. But let us never forget that America used to be the most underdeveloped country in the world. We were a desolate frontier, and now the American people have turned a desolate frontier into a house of freedom and opportunity in which the common man in the United States of America lives a decent life and knows that his children have an opportunity to improve their well-being as well through a system that encourages innovation.

Yet there are those who seek to change some of the fundamental underpinnings of American prosperity, and at times they are not always up front with their goals. Today, I believe

the incredible attack that we see coming on the patent system of the United States of America is part of this type of approach where people are seeking a change in America, but we are not certain exactly where they are coming from.

□ 2330

One thing is for certain. Bill Clinton, shortly after becoming President, sent Bruce Lehman, his appointee to head America's patent office, to Japan. There Bruce Lehman, now the head of the American Patent Office, concluded a hushed agreement to harmonize America's patent laws with those of Japan.

It may surprise those who are hearing this speech tonight that an unelected official—the head of our Patent Office, Bruce Lehman—signed an agreement and that an agreement has been reached. It is in writing: to harmonize American law, change our law so that it is in harmony with Japanese law in terms of the patent law.

What we got, by the way, for agreeing that our law would change and harmonize with Japan, is almost no change in the Japanese law in return, except for an anemic restriction on corporate Japan's interferences with the patent process. But like Japan's promise to open its markets decades ago—I remember this 25 years ago when they were talking about opening their markets—no one has any idea when their weak concessions will actually be put into effect or whether those weak concessions are simply scribbles on pieces of paper until they are forced, decades from now, to actually pull back from the things that they agreed to if we would change our law.

In the meantime, however, Bruce Lehman and the multinational corporations are doing their god-awful best to change our fundamental patent law, to harmonize it to make it look exactly like the law of Japan over these many years. They have tried to do this as quickly as possible and as quietly as possible.

Step No. 1 was eliminating the guaranteed patent term of 17 years which has been a right that Americans have enjoyed—American inventors and investors have had as a right—for 134 years. Before that, there was a guaranteed patent term of 14 years, from the time of the founding of our country until 134 years ago. This guaranteed patent term has been part of our rights and part of something that has actually been written into the Constitution. Trying to keep this downgrading of the American patent rights quiet—instead of coming to Congress with legislation changing our patent laws—a provision was snuck into the implementation legislation for the General Agreement on Trade and Tariffs [GATT]. That may sound odd, but Congress could only vote up or down on this one omnibus bill that came before us, the GATT implementation legislation. No amendments were allowed.

Thus, a Member of Congress would be forced to vote against the entire world trading system in order to vote against this insidious change of our patent law. This tactic was a total betrayal of those of us who voted for the fast track process of GATT, because we knew that we would only get an up or down vote. That is what the fast track was all about. But we were told if we would vote for fast track, then nothing would be included in the GATT implementation legislation except for that which was absolutely necessary and required by the GATT agreement itself.

That is not what happened because this change was not required by GATT. This insidious, absolutely underhanded way of passing this change in our patent law, should tip off our citizens and should have tipped off Members of Congress that there is something that has gone awful.

GATT did not require eliminating this patent change so it should never have been in the legislation implementing GATT.

I created a stir when GATT came to a vote. That was over 1½ years ago. I was promised a chance to correct this part of the implementing legislation. We can take it out of the implementing legislation. We can change the law and still be GATT consistent, because this was never required by GATT in the first place.

Changes in the patent term, of course, are not easy to understand. Most people do not understand the importance of them. They know it is important for America to be the No. 1 technological power in the world. But patent term: That is kind of confusing. That is exactly the area where America's enemies know they can strike and know they can get away with this type of effort—a blow to the well-being of the American people—because the American people will not realize what is happening.

Traditionally, when an American inventor or investor filed a patent, no matter how long it took that patent to be issued by the Patent Office, once it was issued, the owners had a guaranteed patent term of 17 years to reap the benefits of their new technology. They actually owned the technology for 17 years. Anyone who would use it would have to give them some sort of a fee for using it, a royalty, it is called. They created the technology. It would not exist without them. This was a wonderful way to promote innovation in our society. It was, again, their right to a guaranteed patent term that was the basis of our system. We had the strongest patent protection of any country in the world.

I will say it worked so well for the United States, almost all of the major inventions of our age and of the last century came from America, which was a very small and weak country at the time. The light bulb, the telephone, the reaper, the steamboat, of course, the airplane, all of these things came from Americans because we had a strong patent system.