There are more benefits to publication at 18 months. It would finally treat our patent applicants more fairly relative to foreign entities which apply for protection in the United States. Under current conditions, a United States inventor filing abroad has his or her application published after 18 months in the language of the host country; this means that foreign competitors may review (but not steal) the U.S. application. Since our system lacks this feature, however, a foreign entity never reveals the subject of its application until the patent issues. Publication after 18 months in the United States will allow an American company to review foreign applications here in English. Under no circumstances does 18-month publication create newfound opportunity for an American or foreign competitor to steal the contents of a published application. Just as is the case when a patent is granted, any competitor who appropriates an invention after publication but before grant must pay damages to the patent applicant.

H.R. 400 provides for 18-month publication, but allows an inventor to avoid publication if it is unlikely he will receive a patent. Under the provisions of H.R. 400, any inventory who is applying for a patent exclusively in the United States has up to three months after an initial determination by the Patent and Trademark Office to decide whether or not he wishes to proceed. If the PTO determines that the applicant will not likely receive a patent, the applicant may withdraw his application and seek protection under trade secret and unfair competition laws. If the patent is likely to be issued and the applicant proceeds, it will be published and protected after 18 months.

H.R. 400 carries out Congress' special obligation under the Constitution to provide protection in exchange for disclosure and will serve to benefit America's inventors. H.R. 400 is necessary for the Progress of Science and the Useful Arts.

KASHMIRI PANDITS STRIVE TO RESUME PEACEFUL LIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise to bring to the attention of this body and the American people a terrible tragedy that recently occurred in India's State of Jammu and Kashmir. On March 21, in the village of Sangrampora, 15 unidentified terrorists rounded up eight members of the Kashmiri Pandit community and shot them outside their homes. Seven of the victims died. While the cold-blooded murder of innocent people is always shocking and horrifying, what makes this incident even more appalling is the indication that the victims were singled out simply because they were Hindus.

Mr. Speaker, for thousands of years Kashmir has been inhabited by Hindus known as Kashmiri Pandits. These original inhabitants of the Valley of Kashmir have lived peaceful lives in one of the most beautiful areas of the world. Sadly, the efforts of the Kashmiri Pandits to live their lives peacefully and constructively has been disrupted by militants armed and trained by outside forces intent on changing Kashmir from a secular, multireligious land into a fundamentalist state.

The effects of this proxy war, which the evidence strongly indicates is supported by Pakistan, have been the death of thousands of people, the devastation of the economy, and the creation of a huge refugee population. Virtually the entire population of 300,000 Kashmiri Pandits has been forced to leave their ancestral homes and property, living in refugee camps in various cities in India in subhuman conditions. Only 2,000 Kashmiri Pandits still remain in the Kashmir Valley, and they have been turned into refugees in their own country.

The current round of violence is not the first example of the victimization of the Kashmiri Pandits. For centuries, they have been subjected to the atrocities and subjugation committed by invading peoples. On October 22, 1947, 2 months after India became independent, Pakistan attacked Kashmir to annex it by force. Four days later, Maharajah Hari Singh, the ruler of Jammu and Kashmir, requested India's military assistance to save Kashmir from the Pakistani invaders and took the case to the United Nations, which called for a cease-fire, followed by complete withdrawal of Pakistani forces from the occupied area, as a precondition to a plebiscite under U.N. supervision. Sensing the anti-Pakistani mood of the Kashmiri people, Pakistan did not comply with the U.N. withdrawal condition. Instead, Pakistan made two more futile attempts in 1965 and 1971 to annex Kashmir by force.

Although Pakistan maintains that they are only providing moral and political support for the insurgency, evidence shows that Pakistan has been playing a direct role in arming and training the militants.

I have met with members of the Kashmiri-American community who have told me that Hindus and Muslims can and have lived in peace in Kashmir. The real tragedy is that outside influences are fueling religious rivalries and foreign policy agendas that pit Indian against Indian.

Mr. Speaker, as the cochairman of the Congressional Caucus on India, I believe that the United States and the international community must not allow the practice of ethnic or religious cleansing to continue. India has tried hard to help the Kashmiri Pandits. India deserves our support, both in assisting the refugees and in ending the proxy war being waged in Jammu and Kashmir.

Programs such as USAID, the Agency for International Development, could be one vehicle for the United States to provide more direct aid, humanitarian aid, I should say, for these displaced people. We should also use our considerable influence with Pakistan to urge that nation to cease support for the militants and to crack down on terrorists harbored within their borders.

I want to applaud India and Pakistan for trying to break decades of tension by having their foreign ministers meet in New Delhi recently. It has been the highest level meeting between these south Asian neighbors in 7 years. The foreign minister's meeting, Mr. Speaker, actually took place yesterday. I hope this will be a sign of the relaxation of tensions that will benefit all the people of India and Pakistan. Especially with this new climate of cooperation, I think ultimately it will help the Kashmiri Pandits go back to their ancestral homeland and resume their peaceful lives, which is really all they want to do.

SPENT NUCLEAR FUEL POLICY

The SPEAKER pro tempore (Mr. STEARNS). Under a previous order of the House, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise today to talk about a serious environmental issue that has been developing in communities all across America. This pressing environmental issue is the Federal Government's lack of responsible spent nuclear fuel policy. Despite past promises and contracts, the administration is ignoring their responsibility to ensure the safe and timely disposal of spent nuclear fuel.

Let us talk a little bit about the background of this issue. Riding the crest of a new technology back in the 1950's, the Federal Government encouraged the Nation's utilities to use nuclear power as a generation source through the ''Atoms for Peace Initiative.'' In return, the Federal Government promised to make use of utility spent nuclear fuel by reprocessing it for other uses.

In 1978, President Carter outlined the reprocessing of commercial spent nuclear fuel by the Federal Government due to concerns about proliferation.

□ 1200

In 1982, Congress came up with a solution for the management of commercial spent fuel by enacting the Nuclear Waste Policy Act. Utilities operating nuclear power plants entered into contracts with the Department of Energy in which the agency promised to begin accepting spent fuel by January 31, 1998. In return, the Nation's customers for nuclear power would contribute to a trust fund to contribute to the disposal of that spent nuclear fuel.

To finance this project, the Federal Government has collected over $11 billion in fees from nuclear power customers and has spent over $5 billion. Rate-paying customers from my State of Minnesota have paid more than $250 million to the Federal Government for the disposal of spent fuel. In 1987, Congress recognized that the Department of Energy was making slow progress toward a permanent repository, and amended the Nuclear Waste Policy Act to focus on studies for a single potential site.

Here we are, 15 years from the enactment of the 1982 Nuclear Waste Policy Act and 10 years after the act was

amended. We are 9 months from the Department of Energy's deadline to begin accepting nuclear waste, but the Department says it will not be able to keep its promise and fulfill its responsibility.

The latest estimate by the Department of Energy is that it will not have a permanent repository available until at least the year 2010. This is not acceptable. In the meantime, nuclear waste is beginning to pile up at nuclear power plants across the Nation.

In my own district, for example the Prairie Island nuclear plant has been forced to build and operate a temporary storage facility because of the Department of Energy's failure to fulfill its responsibilities. This is a serious concern to the local communities who rely on the plant for jobs and those who count on it for electricity as well. This is an enormous concern to the Prairie Island Indian community, who share their island with the plant. The tribe is very concerned that their island, at the confluence of both the Vermillion and Mississippi Rivers, will become a de facto permanent repository if the Federal Government does not live up to its responsibility.

Similar concerns are shared by Americans all across the Nation. Seventy-three spent nuclear storage facilities will be built in 34 States unless the Department of Energy establishes a temporary facility. The Department of Energy has ignored the concerns of citizens across the country, and has continued to insist that it is unable to begin accepting and storing used nuclear fuel, as promised in the past. Even a recent ruling by the U.S. Court of Appeals that the Department of Energy is obligated by law to begin accepting spent fuel has not changed the Department's position.

While the Department of Energy has been forced by the courts to recognize their obligation, they have refused to develop any solutions. As a matter of fact, the administration is threatening to veto the solution proposed by Congress. This avoidance of responsibility is outrageous and morally wrong. America's electricity consumers have faithfully funded this program, and they are right to expect the timely, safe, and centralized storage they have paid for.

The continued refusal by the Department of Energy and the administration to keep their promises will result in unnecessary additional cost to the taxpayers. The Department of Energy has already lost one lawsuit and the damages from breaking their contract could cost the taxpayers an additional $20 to $40 billion, not to mention the loss of jobs and electricity as nuclear power plants are forced to turn out their lights. The jobs and the electricity may be lost, but the spent fuel will remain.

Despite the lack of leadership by the administration, I am pleased to announce today that our colleague, the gentleman from Michigan, FRED UPTON, has introduced a bipartisan piece of legislation which would restore the responsibility to the Federal Government's Waste Management Program. This legislation provides for a specific solution to protect our environment, protect our taxpayers, and restore the trust of electric consumers who have paid the Federal Government billions of dollars for this solution.

Mr. Speaker, I would hope that all Members would join with me and the gentleman from Michigan [Mr. UPTON] in supporting this very important legislation.

The legislation simply states that as the Department of Energy works on a permanent site, a centralized temporary facility should be located at the Nevada test site. This site is an area the size of Connecticut that since the Truman administration has been the home to atmospheric and underground nuclear test blasts as well as countless active and abandoned nuclear labs. Its remote, arid location is ideally suited to store nuclear waste. By pursuing a policy that puts nuclear waste behind one fence, in one location, we can concentrate our resources on making sure it is safe.

The Senate has under consideration a similar piece of legislation to ensure that the Department of Energy keeps its promises.

URGING MEMBERS' SUPPORT OF H.R. 1270, THE NUCLEAR WASTE POLICY ACT OF 1997

The SPEAKER pro tempore (Mr. STEARNS). Under a previous order of the House, the gentleman from Idaho [Mr. CRAPO] is recognized for 5 minutes.

Mr. CRAPO. Mr. Speaker, I too rise today in support of H.R. 1270, the Nuclear Waste Policy Act of 1997. This is very critical legislation that is being dealt with this week in the Senate, legislation that I have worked on now for 4 years with the gentleman from Michigan [Mr. UPTON], the gentleman from Illinois [Mr. HASTERT], the gentleman from Minnesota [Mr. GUTKNECHT], and many other Members of this House. It is legislation that is so important that we must deal with it this year, and deal with it this year soon.

The Federal Government has a legal responsibility to take used spent fuel in 1998. The U.S. Court of Appeals ruled in July 1996, that the DOE has a legal obligation to take spent fuel from the Nation's commercial reactors. If the Government fails to perform, the American taxpayers could be forced to cough up more than $50 billion in liabilities.

The Federal Government has not kept faith with its people on this issue. The Department of Energy has broken its promise, indeed its legal obligation, to take used nuclear fuel from commercial reactors beginning on January 31, 1998.

Despite the fact that it has had 15 years to establish a central storage facility, DOE now says it cannot accept the used fuel on time in the 1998 deadline. What is more, absent legislation forcing it to live up to these contractual commitments, DOE does not have any plans to begin taking this used fuel prior to the year 2010.

Electric ratepayers are getting ripped off. Already through their monthly electric bills, ratepayers have paid the Federal Government nearly $13 billion to finance the construction of storage facilities for spent fuel. The Government has taken the money, often spending it for other purposes, but has failed to live up to its commitment to build these storage facilities.

If nuclear power producers have to continue to provide onsite storage because the Government fails to accept and fulfill its responsibility, the ratepayers will end up paying twice. They will pay once, as they have already paid for the construction of the storage facility, and a second time for the cost of storing it onsite.

The cost to ratepayers of providing this additional onsite storage will be billions more. Investors are losing money due to Government inaction. The used fuel crisis is hurting the value of investor-owned utilities that produce nuclear power. The crisis exists not only because the Government clearly intends to violate its contractual obligation to accept the spent fuel, but also because we have military fuel that is stored in States like Idaho that needs to be addressed in similar circumstances.

The uncertainty over whether the Government will dispose of used fuel, if it does at all, is complicating the utilities' planning process. The Nuclear Waste Policy Act makes environmental and economic sense. Used nuclear fuel from commercial reactors and defense facilities is now being stored at 80 sites in 41 different States.

Common sense dictates that storage of nuclear waste in one remote, unpopulated location, where safety and cost efficiencies will be maximized, is the best policy. The legislation itself incorporates amendments to strengthen environmental safeguards.

Nuclear power plants are running out of space to store spent fuel. The Federal Government says its repository will not be ready until the year 2010, at the earliest. But by 1998, 27 of the Nation's 109 nuclear powerplants will run out of onsite storage space and by 2010, 80 nuclear plants will have no space to store the used fuel at all.

Finally, the Department of Energy and the Navy are only obligated to fulfill strict legal obligations to the State of Idaho with regard to spent fuel stored there. The State of Idaho entered into a binding contractual agreement with the Department of Energy and the Navy recently, which has been implemented by court and has become a part of a court order that requires timely deadlines to be met in the transfer of this spent fuel out of the State of Idaho into permanent storage.

The longer the Federal Government fails to proceed timely on its required obligation to accept this spent fuel, the greater the risk these obligations will