

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 117 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 117

*Resolved*, That it shall be in order at any time on Wednesday, April 23, 1997, or on Thursday, April 24, 1997, for the Speaker to entertain motions that the House suspend the rules. The object of any motion to suspend the rules shall be announced from the floor at least one hour prior to its consideration. The Speaker or his designee shall consult with the minority leader or his designee on the designation of any matter for consideration pursuant to this resolution.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Washington [Mr. HASTINGS] is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York [Ms. SLAUGHTER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, this rule makes it in order at any time today, Wednesday April 23, or tomorrow, Thursday, April 24, for the Speaker to entertain motions that the House suspend the rules. The rule also provides that the object of any motion to suspend the rules shall be announced from the floor at least 1 hour prior to its consideration. The rule further considers the Speaker or his designee to consult with the minority leader or his designee on the designation of any matter for consideration pursuant to this resolution.

The bills that will be considered under suspension of the rules as a result of adopting this rule are noncontroversial and are very narrowly tailored, thus making it impractical to bring them up under an order of business resolution from our Committee on Rules. However, scheduling them for consideration today is necessary to ensure that our colleagues are here to do the very important committee work.

For example, Mr. Speaker, the Committee on Banking and Financial Services is meeting today to mark up the Housing Opportunity and Responsibility Act. In addition, the Committee on Ways and Means is meeting today to mark up two very important pieces of legislation, the Adoption Promotion Act and the Welfare Reform Technical Corrections Act. Finally, the Committee on International Relations is marking up several timely measures relating to Zaire and Cambodia.

Mr. Speaker, a number of our colleagues have expressed concern about

the pace in which this body has conducted its business during the first months of this session. To those Members, I would simply say that today's resolution makes it possible to keep moving ahead expeditiously on the important business the American people have sent us here to do.

This is clearly a straightforward and noncontroversial rule. I would hope my colleagues here will debate it with their customary civility and pass it on without delay.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank my colleague for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

While I do not oppose the rule, I would like to use the opportunity to again raise the issue of why the majority still has yet to propose a budget and has yet to hold any hearings or markups on campaign finance reform. Fifty-eight bills have already been introduced in the House this year that would reform our campaign finance system, one of which is my own measure to provide free television time to political candidates. Yet all 58 of these campaign finance reform bills continue to languish in committee. There is no excuse for this Congress' continuing failure to take action on these issues. The leadership of the House owes it to the voters of the Nation to seize the opportunity before it and to enact responsible reform. While I support this rule allowing us to move suspension measures forward this week, I would urge our leadership and my colleagues to also move forward on some of the more difficult and pressing matters before us. I am at a loss to explain to my constituents why the House has spent so little time in session this year while so much major legislation has yet to see the light of day. Let us get on with the budget process and move forward with real campaign finance reform.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT REGARDING LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. HASTINGS of Washington. Mr. Speaker, pursuant to the rule, the following suspensions will be considered today:

House Concurrent Resolution 8, H.R. 39, H.R. 449, H.R. 688, and H.R. 1272.

21ST CENTURY PATENT SYSTEM IMPROVEMENT ACT

The SPEAKER pro tempore. Pursuant to House Resolution 116 and rule

XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 400.

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IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 400) to amend title 35, United States Code, with respect to patents, and for other purposes, with Mr. HASTINGS of Washington (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Thursday, April 17, 1997, the amendment in the nature of a substitute offered by the gentleman from California [Mr. ROHRBACHER] had been disposed of and the bill was open for amendment at any point.

Are there further amendments to the bill?

AMENDMENT NO. 1 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. CAMPBELL: amend section 302(C)(2), p. 68 of March 20 text: Strike lines 4-6.

Insert: "under this chapter, and such use shall not be greater in quantity, volume, or scope than had been the actual quantity, volume, or scope of the prior use, however, the defense shall also extend to improvements in"

Amend section 302(C)(6), p. 69 of March 20 text:

At line 23, strike "," add: "in which case the use of the defense shall not be greater in quantity, volume, or scope than had been the actual quantity, volume, or scope of the prior use."

Mr. CAMPBELL. Mr. Chairman, I begin today with a word of thanks to my good friend and colleague, the gentleman from California [Mr. ROHRBACHER], on whose side I fought last week, and to my good friend and colleague, the gentleman from North Carolina [Mr. COBLE], the chairman. This is a different subject from last week. It is an amendment that deals with the prior domestic use. I would just like to take a moment and explain it.

This bill does something that has never before happened in American patent law. What it says is that where a prior user of a patented idea has made commercial use of that idea in the United States, then—even though the inventor files the patent on time and even eventually gets the patent—that inventor has no opportunity to get royalties from that prior domestic user. Now, that messes up the whole system. The idea is to reward the inventor, the person who comes up with the idea first, and who goes and gets it patented.

If instead you have to look around and wonder if somebody else anywhere