You know, when the Framers of our Constitution put together this government and submitted it to the people, the American people looked at it and said, You did a good job, but it is not perfect. There is something that is missing, and that something is a Bill of Rights guaranteeing individual freedoms for all Americans. And so those 10 planks were constructed and added as part of the ratification process. I am convinced that if those 10 planks had not been added, the Constitution would not have been ratified. I do not believe it is insignificant that the first sentence of the First Amendment guarantees freedom of religion:

> Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

And our men and women in the military take an oath of office to support and defend that very Constitution, but they do not surrender that First Amendment right immediately when they put on a uniform.

The trend of military instructors and officers portraying Christians and socially conservative nonprofit organizations as ''extremists'' and potential threats to our Nation is unconscionable. Recently, they labeled the American Family Association, a group in my district that by their very name indicates that they are committed to the preservation of the American people. The fact that they are labeled as an extremist organization, unbelievable.

These developments are part of what appears to be a mounting culture for religious intolerance and hostility towards Christians within the military. I do not believe that adequate steps have been taken to address the root cause of these incidents, and that is why I put together the letter that Mrs. HARTZLER referred to to the Secretary of the Army, along with a number of my colleagues, to communicate our concerns regarding these developments and ask for the details on what the Army is doing to foster a culture of religious liberty among our men and women in our military.

While our Founding Fathers prohibited the establishment of a State-established religion, they purposely did not restrict references to God or personal beliefs in civic dialogue, military service, or everyday life.

Mr. Speaker, the dais on which you sit, over which you preside this great House, has behind it the American flag. Above that flag are the four words of our national motto: ''In God We Trust.''

Congress has a responsibility to fight attempts within our military to restrict the religious liberty of those who serve our Nation and work to safeguard these freedoms. It is intolerable for those brave men and women serving our country to be denied these very freedoms they are putting their lives on the line to defend.

Mrs. HARTZLER. Thank you very much for your leadership, and for bringing up those excellent points.

Now I would like to turn to the gentleman from Kansas (Mr. HUELSKAMP) to share his thoughts on this important topic, the military and religions freedom.

Mr. HUELSKAMP. Congresswoman HARTZLER, I appreciate your leadership on this topic. It is so essential, not just to our brave men and women serving in the military, but also to our foundation as a Nation.

I would like to identify two stories that occurred in the last month and a half in the military. They are very troubling.

During the government slowdown in October, the administration, it was reported in some parts of the media, required all chapels that were serviced by contract chaplains to be closed.

In particular, I visited with Father Ray Leonard, who served a naval base in South Carolina. He was not informed ahead of time. He showed up for Saturday evening mass to a locked door at the chapel. Door locked. It said, Come back. Shut down. Go away. People from his congregation were pouring into the parking lot and were forbidden, a locked door, not allowed to enter. He said, I want to volunteer. I want to do it for free. I want to say mass. The government said no.

Father Ray Leonard had a long history. He just had come back from serving as a missionary in China. His words were:

> I expected that in China. I expected a locked church door in China, but not in America, not on a military base.

The Department of Defense decided they were going to punish men and women of faith by locking those doors.

Another case of a chaplain in Texas, the first day of the government slowdown, he was ordered to come to the office. By 10 a.m., his BlackBerry was taken from him. All of his contact information was taken from him, as was his computer. He was forbidden to answer any private calls. He was forbidden to answer emails. He was forbidden to communicate with any of the folks he was in the middle of counseling. Those are folks suffering from PTSD. During the entire shutdown, the government forbade him to serve as a chaplain.

It is those kinds of things that you are wondering what they are thinking at the Department of Defense in this administration because, as James Madison wrote, ''conscience is the most sacred of all properties''—but if you refuse access to chaplains, the folks who are putting their lives on the line.

I was in the White House in April when the Congressional Medal of Honor was granted to Father Emil Kapaun from Kansas, and the President talked about his great history and how he inspired Catholics and Protestants and Jews and Muslims at that death camp, and he received an award and a tremendous honor. He was a tremendous man and a tremendous leader, but he is the very type of person that I believe today would not be allowed to serve in our U.S. military. That is a shame. But most devastating, it is not just a shame; it is a loss to the men and women who are looking for that type of support, that type of encouragement, that type of inspiration. This was a Nation founded with his blessings, and then we turn around and lock the church door. We turn around and kick chaplains out who actually have views that differ with the administration. This is an attack on religious liberty in the military. Who will be there to defend the religious liberty of our members of the armed services? We are there.

Mrs. HARTZLER. Thank you very much. We started off with a poster of George Washington praying at Valley Forge. We have come a long ways in this country. You have heard the stories tonight of how that freedom to express religion is under attack. It is time for the pattern of intimidation and intolerance and coercion to stop. It is time to preserve and defend religious freedom to keep America strong and keep our armed services strong.

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

PATENT LAW

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from California (Mr. ROHRABACHER) for 30 minutes.

Mr. ROHRABACHER. Mr. Speaker, I first would like to associate myself with the remarks of my colleagues that I have just heard. The struggle for freedom is a continuing struggle that started back with our Founding Fathers and will not end with us. Every generation has to pick up the torch or the light of liberty and justice will be extinguished and it will never be returned. Reagan always told us, it just takes one generation not to do their job, and we will have lost our freedom forever.

Tonight I would like to talk about a very significant part of our freedom and liberty, and it deals specifically with patents and intellectual property rights. I know sometimes over the years when they hear somebody is going to talk about patent law, there is a big yawn, but this has been a significant part of the success of the United States.

Our Founding Fathers believed that with technology and freedom and, yes, with profit motive, that this was the formula that would uplift humankind and that would make America a great country in which all of our people benefited from this greatness and the prosperity we would have here. They believed it so strongly that they wrote into our Constitution a guarantee of the ownership rights of inventors and authors. It is the only place in the body of the Constitution where the word ''right'' is used. The rest of the rights that we have just been talking about were part of the Bill of Rights.

But in the Constitution itself, article 1, section 8, clause 8, it states:

Congress shall have the 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.

□ 1845

This provision has served America well, leading to a general prosperity that has been the envy of the world. It has led to national security and it has led to, yes, average people living decent lives.

It is an integral part of the individual freedom based on rights that were granted by God that are at the heart of American society. It is the reason we have emerged among all the nations of the world with our people living free and living well.

It is not just something that is tangential. It is at the heart of our system. The right to own one's technology that they invent has catapulted our people, who started out to be very poor people on the east coast, into one of the world's greatest powers.

This provision has served America well, leading to prosperity, national security, and, yes, this average life of our people that we can be proud of.

Some people think it is just hard work that has caused this great success of our country. Yes, Americans work hard, but so do other people. Technology has made the difference. Technology multiplies the results of our work and the hard work of our people into prosperity. That is the secret of America's success. It is technology and freedom, and, yes, it was our strong patent system that made this difference.

We have had a strong patent system since the founding of our country, as I just pointed out. Yet, today, multinational corporations, run by Americans, want to diminish the patent protection that our country has had traditionally. Over the years, we have fought—and I say we fought, meaning since I have been in Congress for 25 years, we have fought time and again and fought back—sometimes defeating, sometimes having to compromise—but these have been attempts to weaken our patent system, which is the basis of American prosperity.

What has been happening over the years? For example, we have had a strong patent system in the United States, but a weak patent system in the rest of the world. That is why they are not prospering. Their patent systems were set up so that big guys could rob from the little guys. Our patent system was set up as a recognition that the ownership of one's discoveries and creations is a gift from God and can't be stolen by a power-grabbing big company.

Overseas in Japan and Europe, that just isn't true. They have tried over these last 25 years to harmonize our law with the European law and the Japanese law. They call it ''harmonizing with the rest of the world.'' The trouble is they want our law to be weakened, rather than bringing up the other laws from around the world to our standards. For example, up until recently—there has been a little change in this; I managed to fight it back—they were trying to propose that we have a publishing law for a patent application that they have overseas. What do they have overseas? In Japan and in Europe, someone files for a patent, and if the patent hasn't been issued within 18 months, the patent is published.

Our system in the United States has been the opposite. You file for a patent, and it has been against the law for anyone to even indicate what is in that patent application until the patent is issued. If it takes 1 year, 2 years, 10 years because it is such a complicated issue, however long it takes, traditionally our inventors knew that no one was going to get a hold of their patent information until the patent was granted.

Again, in Europe, what they wanted to do and tried to do here in this body—but we fought them back—was have that same system. I called it the ''Steal American Technologies Act'' because after 18 months all of our secrets would have been published even before the patent was issued.

Also, we have had a tradition in the United States that you do get a certain time of protection. That is what our Constitution says. Traditionally, it has been 17 years, but that 17 years starts from when you are issued the patent.

In Europe, after 20 months, no matter if you got that patent or not, that clock starts ticking, and by the time you would end up with a patent, if it was a very complicated, high-tech patent, sometimes you have lost all but a year, maybe even all of your time in which to enjoy the rights and the rewards of having invented something. Under our system, once that clock starts—but it only starts after you have been issued your patent, and then you get 17 years of guaranteed time.

These people in these major corporations were trying to change that. They were trying to emasculate the rights of American inventors, saying we need to harmonize with the rest of the world. Who would be doing such a thing, and why would they be doing it?

The reason they were doing it is they want to steal from the American inventor the same way these big boys have been stealing from people in Europe and in Japan and inventors throughout the world. Well, let me once again note that for 25 years I have been finding myself fighting for the small inventors, struggling to defend the patent rights for these young, and maybe not young, maybe just people who are middle-aged and old, as well, but people who are not people who have means, but people who have ideas, people who are creative, people who come up with the breakthroughs that have changed our way of life.

Philo Farnsworth has a statue here. He is a man in Utah who invented the picture tube. RCA didn't invent it. RCA tried to steal it from him. This is one man who fought this all the way to the Supreme Court, and the Supreme Court sided with this one lower-income individual who, I might add, had to enlist people to invest in his court case against RCA in order to fight that case to the Supreme Court. There is a statue in our Congress to Philo Farnsworth, the inventor. There is no statue to Mr. Sarnoff, who headed RCA and tried to steal that from him, knowing that he was stealing somebody else's invention so he wouldn't have to give credit to this hick from Utah.

Supposedly there has always been some excuse that has been used by these corporations, these multinational—not just national corporations—people who have businesses all over the world. Some of them are headed by Americans; some of them not. Even Americans no longer think they have to watch out for the United States. They are watching out for the global interests of their company. They have to have some reason or excuse of why to take away or diminish the patent rights of our own people and to harmonize it with somebody else.

In the past, they have used the excuse of the ''submarine patentor.'' This is just one of the derogatory terms they came up with in order to justify the fact that they were diminishing the property rights of our intellectual inventors and those people who are coming up with our new technology, and they come up with these derogatory terms, and it sounds good. These big companies have big PR firms in order to come up with a term that can then be used as sort of an excuse, a cliche to say ''yes'' to diminishing America's patent protection for the little guys. After all, who would support these big multinational corporations, they said. We just want to take anything these people invent and give them whatever we want to give them, or not give them anything. We want to have a right to steal from them, and that is why we are trying to change the rules. They would never get anywhere. Instead, oh, business is being treated unfairly by submarine patentors. That is what they have used before, and now they have a new term.

In this wave, this onslaught—as I said, we have been facing this wave after wave for 20 years. They keep coming back, trying to diminish our patent structure. Now they insist that we need patent change because of the threat of the so-called ''patent troll,'' not to be mistaken with a submarine patentor. That was the last one. There will always be some, as I say, pejorative word that their PR firm, which they pay a lot of money to, can come up with that seems to be sinister enough to scare the American people into emasculating our patent system and letting the big guy steal the ideas from the little guys.

These so-called ''patent trolls'' are actually patent holders or companies who represent patent holders. They are either people who themselves invented patents or they represent the companies who actually have bought in to patents, who represent the patent holders themselves. They are engaged basically in defending the patent rights against the infringement of those rights of the patents they own. Their patents are no different than anybody else's patents.

They call them ''patent trolls,'' but what we have got here are just people who are engaged in the business of enforcing patents that are not being enforced. They basically are seeking to protect some little guys who don't have the money, or to see that they can join in partnership with people in order to maximize their benefit from the patents which these people hold. They are valid patents. There is all this innuendo and sinister thoughts and phrases coming out to make it sound like we are not talking about real, legitimate patents. I am talking about people who have invented legitimate patents that have been granted by the Patent Office. We are also talking about huge corporate infringers that would have us believe that those patents are unfair and evil because patent trolls are involved.

So what makes the difference between the good patents owned by large corporations themselves—these corporations we are talking about do own patents, and, quite frankly, quite often go and try to enforce other patents that they have accumulated and bought. What makes them so different from the patent trolls? The patent troll has been identified as someone who is out for profit from technology that he or she did not invent. Oh, my goodness. You have got somebody who didn't invent something and they want to make some money out of it by investing and/or joining a partnership with somebody who did invent it. That is not something as sinister as patent troll sounds.

We know that lawyers can file illegitimate lawsuits and try to get people to settle just because they don't want to go through the procedures. That doesn't mean we should destroy the right of people to sue when they have a legitimate claim because some lawyers go out and misuse the system. That should be up to a judge or a jury, not a restriction on the right of people to file suit in order to protect the rights and to gain compensation if their rights have been violated.

If the small inventor doesn't have the resources to enforce his or her patent, an individual or a company can buy those rights, and they can actually buy them just like you would buy a piece of property. That is what it is, intellectual property. They can buy these, or they can create a partnership with the inventor, and that means that they can then try to seek a suit or some sort of compensation from those who are infringing on those patents.

I have consulted with a number of outside individual inventors and groups, and they have reaffirmed to me that the legislation that is being now proposed by the Judiciary Committee further disadvantages the little guy against the deep-pocketed, multinational corporations that are behind the changes that are now being proposed in the United States Congress, which I will detail in a few moments.

Yes, they are using the guise of targeting these patent trolls. They hope to achieve a legislation that will prevent little guys from actually selling their product to these big guys, or have a dramatic impact on the ability—it would probably be more accurate to say will have a dramatic impact on the ability of people who own patents to actually file suit against those big infringers, and they do this in the name of controlling the patent trolls. Again, I say, what does that mean? That is someone who necessarily hasn't invented something but is working with the inventor to see that those rights are respected.

How horrible it is to make a business helping small inventors or partnering with people in order to see that they have the resources to enforce their patent rights against large corporations, mainly, or even if they are medium-sized corporations who are infringing on a patent, meaning they are using this invention, and the inventor comes in and says, You are infringing on my patent. Pay me for the rights of using this while I still own it. The answer is ''sue me'' because the big corporations know full well that they have deep pockets, and they can handle anything, and the little guy, especially if they get this law passed, the little guy is not going to be able to seek help, and it is going to be much more complicated for him.

□ 1900

Tonight I draw the attention of the American people to H.R. 3309, the Innovation Act they call it this time, introduced by Chairman GOODLATTE with 14 bipartisan cosponsors.

This bill is scheduled to be marked up in the House Judiciary Committee next week, even though the committee has only held one hearing since this bill was introduced, and it was only introduced 8 legislative days ago. So something is being rammed through the process here big time. People need to see that.

And what are they trying to do?

Why are they ramming it through?

Because this is the multinational corporations who want to diminish the rights of the little guy; and only, we, the American people, can stop that with our sense of fairness and our commitment to making sure America remains the technological leader of the world, and that that isn't in the hands of these multinational corporations who aren't necessarily in allegiance with the United States.

The witnesses from these hearings on this legislation have included former Patent Office Director Kappos, and he made it clear that we should move slowly and with great care in making the many changes to the patent law that are part of this legislation, especially in light of the fact that no one yet understands the implications of the last patent bill that was passed through Congress during the last Congress.

They passed a patent bill called the America Invents Act, which is in the process of being implemented and interpreted by the Patent Office and by the courts. So we haven't digested that last bite the Congress took out of the patent law apple, and now they want us to gobble down a few more.

In and of itself, this legislation is too broad, its implications are too unclear, and its impact and effects are unknowable. That is what witnesses and other experts have indicated; and the conclusion is move forward with caution, not ram something through in just a few days.

But that is not what is happening. Congress is being railroaded into passing this legislation on top of the last legislation which we haven't even figured out how it works yet; and now, of course, they have got the patent trolls which they are telling us to be afraid of.

So we don't have to worry about any of that. Don't think. Just remember patent trolls are sinister, and we have got to stop them and pass this bill. That is what most of these people are hearing here in Congress. Congress needs to hear from their own constituents about bills like this.

So what is going on?

This congressional ramrodding exemplifies the battle to diminish America's patent system, and it has been going on for 25 years, wave after wave of attack on America's patent system. We fought them back most of the time, but this time we could lose. And you lose one, that system is changed forever.

According to the cosponsors of H.R. 3309, it is an attempt to combat this problem of patent trolls—and here it is—even though the study mandated by Congress in the last patent bill—they mandated this study by Congress, and that study that was mandated by the last law—shows that this whole much-heralded patent troll problem is not the major driver of lawsuits that we are being told, and has not created, N-O-T created a surge of new lawsuits.

Most of the provisions of the legislation they will pass through committee next week will make it much more complicated, much more costly, much more challenging to bring a lawsuit for patent infringement. That is what it is all about. They want to make it more difficult to challenge them.

Instead, if what we are really talking about are people abusing the patent system in order to abuse these businessmen, we should be, instead, making it cheaper and simpler and easier to defend against baseless accusations of infringement.

We are being asked to raise the bar for an inventor to bring a lawsuit to defend his or her rights, rather than lowering the bar to allow a small business to defend itself against frivolous lawsuits.

In addition, the claim of technical correction, under that claim, this legislation proposes to remove the patent system's only independent judicial review process, section 145 of title 35. If this passes, inventors who are not satisfied with the Patent Office administrative process will have no recourse, no recourse, although this safeguard of judicial recourse has been in American law since 1836.

This isn't some antiquated process. It is an independent judicial review; and last year the Supreme Court, in Kappos v. Hyatt, reaffirmed the importance of having judicial review when you have people in the Patent Office who are defining the property rights of American inventors, something so important to our country.

Now, the Patent Office has requested that judicial review be done away with because it is burdensome for them to defend their actions in court on the rare occasion that this happens. So, oh, it is burdensome.

Well, the Patent Office wants to strip away the rights of Americans because it is inconvenient to the bureaucracy. Boy, here is where we have got the bureaucracy and multinational corporations working hand-in-glove.

This legislation going before the Judiciary Committee here in the House next week is consistent with the decades-long war being waged on America's independent inventors.

Here are some of the sections of that bill I have been talking about, H.R. 3309, which will be going through the Judiciary Committee next week, and how it undermines America's patent system and patent rights of the little guy and opens up power grabs by the multinational corporations, which is something we have been experiencing for the last 25 years and have had to beat back every time.

Well, here we go. Here are some provisions of this bill: H.R. 3309 creates additional information requirements, which means when you are filing a legal case for infringement it is going to cost you a lot more. There is more paperwork and thus more potential for a dismissal of the case just on a technicality.

More paperwork means higher costs, more likely to have the case thrown out on a technicality, which then increases, not decreases, the chances of small patent holders being infringed.

This bill also switches to ''loser pays.'' And of course, ''loser pays'' sounds like a good idea; but when you talk about this in terms of patent rights, what we have got is these huge corporations who have got deep pockets, and if you end up having ''loser pays,'' the little guy knows for him to actually try to have the loser pay means that this big corporation can put massive expenses on to their defense, where you have only a smaller amount that is available, so you are then put in great disadvantage.

We are, again, making the little guy, putting them at the disadvantage of these big, multinational corporations.

H.R. 3309 adds a new dimension to this ''loser pays.'' It allows the Court to bring others into the case involuntarily, as a plaintiff, if they have an interest in the patent they make them liable for the cost. So if you have somebody, like Milo Farnsworth, whose patent was stolen, whose idea was stolen, anybody who would invest in his lawsuit, which is what he had to do in order to take it all the way to the Supreme Court—and God bless the Supreme Court of the United States and the United States of the America, that we have a court that sided with this little guy.

But now they want to change that so the Milo Farnsworths can't get people to invest in their suit because at that point they, then, are liable for the court costs of the big corporation that is being taken on.

This is so broad that people can be made part of an infringement case, even if their interest in the patent is just legal or innocent, such as those who have licensed the patent.

This, combined with the ''loser pay'' provision, means that if the patent holder loses the infringement suit, anyone who has done business with him may lose or be held financially liable. What a disincentive for people to support the efforts of small inventors.

This is absurd. But yet this is what is going to be going through the Judiciary Committee next week, just like they have tried to push this on us for 25 years. And the players behind this are big, multinational corporations trying to steal the technology that has been invented by America's small inventors.

H.R. 3309 allows the courts to limit discovery until clarifying the patent and infringement claim.

What does that mean? The case will take longer and thus cost more.

The transparency of patent ownership, once filing a claim for infringement, a patent holder must, according to the provisions of this proposed legislation, provide information about all parties with an interest in the patent to the Patent Office and to the accused infringer.

As a result, we have an elimination of privacy in these business dealings. The little guy is totally exposed, as are his friends.

Here again we are trying to do everything we can, and this legislation is trying to do everything that it can to try to get people not to support the little inventor. Don't get on his side. Don't give him any strength to enforce his rights because he invented something that now some multinational corporation has stolen and wants to manufacture in China.

Once this requirement has been invoked, the patent holder must maintain—here it comes—the patent holder will also have to maintain a current record of information on file in the Patent Office. Thus we have, again, bureaucratic reporting requirements for these little inventors.

That, to a big corporation, means nothing. To a small inventor, it means all of his time, all of his resources. And if, indeed, they do not report—let's put it this way, if he doesn't report it right, he could lose the intellectual property rights he is trying to protect.

In addition, the patent holder would be forced to pay recordkeeping fees to maintain a current record at the Patent Office. There we have bureaucratic fees all aimed at the little guy, because the big guys can afford this. They have got people on the payroll. They have got lawyers on the payroll.

Then we have the customer suit exemption. This section appears to remove all of the current section 296 of title 35, which specifically allows—here it goes, this is really significant—this allows inventors to sue governments who infringe on their patents.

What we are talking about here is, if a government steals a person's intellectual property, it permits them to get away with it. This emasculates the right of the American inventor, American people, to hold their government accountable if the government steals their technology. This is totally contrary to American tradition.

Limits of discovery in a court case, unless the judgment determines necessary and appropriate, again, an infringer, and this is section 6 of H.R. 3309, an infringer, especially big ones like large multinational corporations, may make an infringement paper trail.

This requires a paper trail, what we are saying here, this section, that is so broad and so diverse that a plaintiff will have to ask repeatedly for discovery.

The SPEAKER pro tempore. The gentleman's time has expired.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3350, KEEP YOUR HEALTH PLAN ACT OF 2013

Mr. BURGESS (during the Special Order of Mr. ROHRABACHER), from the Committee on Rules, submitted a privileged report (Rept. No. 113–265) on the resolution (H. Res. 413) providing for consideration of the bill (H.R. 3350) to authorize health insurance issuers to continue to offer for sale current individual health insurance coverage in satisfaction of the minimum essential health insurance coverage requirement, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 1915

OBAMACARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the