21ST CENTURY MONTGOMERY GI BILL ENHANCEMENT ACT

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. RANGEL. Madam Speaker, I rise today in support of the passage of H.R. 1291 that amended the Montgomery GI Bill which would greatly increase the appropriations for our veterans who are seeking higher education. Under the GI Bill veterans would receive $800 a month—a $150 a month increase—during fiscal year 2002; $950 in 2003; and $1,100 in 2004. These funds are essential in order to keep up with soaring education costs.

One of the biggest reasons why I'm such a staunch supporter and believer in the Montgomery GI Bill is because I was a beneficiary. Following my service in the Korean War, the subsidy provided under the program allowed me to attend and graduate from New York University and St. Johns Law School.

Madam Speaker, fellow congressman, even though I would have liked more Democratic input in the bill, I am satisfied with the final product. H.R. 1291 is a piece of legislation that veterans and all Americans can be proud of.

A POINT OF LIGHT FOR ALL AMERICANS: REV. DR. EVELYN R. JOHN

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. OWENS. Mr. Speaker, as the nation of Guyana celebrates its 35th Independence Anniversary, I would like to salute an outstanding Guyanese American, Rev. Dr. Evelyn R. John as a Point of Light for all Americans.

Rev. Dr. Evelyn John was born and raised in Georgetown Guyana. All through her childhood she was exposed to a Christian upbringing, and in her adulthood she joined the Guyana Unity Church. After several years as a Truth Teacher, she was ordained a Minister in 1980.

Rev. Dr. Evelyn John migrated to the United States in 1983 and on February 12, 1984, she founded the New Life Center of Truth in the Flatbush Brooklyn Community, with an initial membership of about sixty members. Today the ''New Life Center for Truth'' serves over five hundred active members and approximately three hundred non-registrants.

She also caters to a cross section of youths in the Youth Group and Sunday School, in the form of guidance counseling and self development which provides incentives for the pursuance of higher learning. Over the past several years, she has traveled to seminars overseas, namely India, Antigua and Peru where she made vocal presentations.

It has always been her desire to serve. Hers is evident in her untiring devotion to people and their spiritual needs.

Mr. Speaker, I am proud to salute Rev. Dr. Evelyn R. John as a Point of Light for all Americans.

HONORING EAGLE SCOUT RECIPIENTS

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize three of New York's outstanding young students, Bruce Russo, Paul Lapreziosa, and Gregory Smith. These young men have received the Eagle Scout honor from their peers in recognition of their achievements.

Since the beginning of this century, the Boy Scouts of America have provided thousands of boys and young men each year with the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

The Eagle Scout award is presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. Becoming an Eagle Scout is an extraordinary award with which only the finest Boy Scouts are honored. To earn the award—the highest advancement rank in Scouting—a Boy Scout must demonstrate proficiency in the rigorous areas of leadership, service, and outdoor skills; they must earn a minimum of 23 merit badges as well as contribute at least 100 man-hours toward a community oriented service project.

I ask my colleagues to join me in congratulating the recipients of these awards, as their activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Bruce, Paul, and Gregory and bring the attention of Congress to these successful young men on their respective days of recognition. Congratulations to you and your families.

PATENT REEXAMINATION ENHANCEMENT ACT OF 2001—H.R. 2231

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Ms. LOFGREN. Mr. Speaker, the high-technology industries based in Silicon Valley need effective patent protection for their inventions. Patents, in particular, are integral components of the valuation and structure of many companies, whether they are startups trying to attract venture capital or other funding, or established companies.

The value of these rights, however, is dependent on the patents being valid and enforceable. What we recognize is that an invalid patent—a patent that either should never have been issued or which confers protection beyond what is entitled—can cause significant damage not only to individual companies but to competitors. Those individuals who rely on their patent and discover a defect, or those who face the threat of litigation on the basis of a patent that is invalid each have a substantial interest in having a mechanism to ''fix'' the problem with the patent.

This is why I am calling for an enhancement of our patent reexamination system. The patent reexamination system was designed to be an efficient and fair procedure for reviewing the validity of patents when there is a substantial reason to call that validity into question. It was set up originally as an ''ex parte'' process that only the patent office and the patent owner could use. Congress tried to expand that system to allow more participation for third parties in 1999 in the American Inventors Protection Act. Unfortunately, these efforts fell short in making reexamination the system it should be.

I believe a modest set of changes to the law will further our goal of providing a cost-effective and fair procedure for reviewing patent validity. Some of the changes have already been addressed in legislation introduced by Chairman Howard Coble and supported unanimously by the Subcommittee on Courts, the Internet and Intellectual Property. Those bills, H.R. 1866 and H.R. 1886 address specific concerns with the AIPA inter partes system.

The additional changes that I believe must be made address two general concerns.

First, I am proposing to expand the grounds upon which one may initiate a patent reexamination. Under current law, reexaminations may be based only on patents or printed publications. In a number of fast-moving technologies, such as business methods and software, there is often a substantial body of information that is not formally published or found in patents, so that other information is not considered when making the determination to issue a patent. The Patent and Trademark Office has demonstrated its competence when evaluating other aspects of patentability beyond defects based on prior patents or printed publications available for review. I am proposing that we allow parties to start a reexamination proceeding on the basis of evidence, for example, an affidavit from an expert in the relevant field of study or expertise, showiing that a patent is invalid due to prior public disclosure or that there is a defect in the disclosure that is not apparent from the source material available to the patent office in the present procedure.

Second, I believe the original sanctions that would apply to parties who initiate reexamination procedures were too onerous. The instant the Patent Office issues its order to consider the matter, under the present system, the party requesting the reexamination is barred from going to court. For this reason, I am proposing to adjust the bar, the estoppel as it's called, until there is a final determination and that final determination would bar those parties who unsuccessfully participate in this reexamination procedure. Thus, a third party who participates in a reexamination procedure would, under my bill, at the conclusion of that proceeding be barred (estopped) from challenging the patent in any other judicial or PTO