

Hoekstra	Meehan	Saxton
Holden	MEEK	Schaefer
Horn	Schen	Schen
Houghton	Miller (CA)	Schroeder
Hoyer	Mineta	Schumer
Huffington	Minge	Scott
Hughes	Mink	Sharp
Hutto	Moakley	Shaw
Hyde	Mollohan	Shepherd
Inslee	Montgomery	Sisisky
Istook	Moorhead	Skaggs
Jacobs	Moran	Skeen
Jefferson	Morella	Slaughter
Johnson (CT)	Murphy	Smith (IA)
Johnson (GA)	Murtha	Smith (MI)
Johnson (SD)	Nadler	Smith (NJ)
Johnson, E. B.	Natcher	Smith (OR)
Johnston	Neal (MA)	Snowe
Kanjorski	Neal (NC)	Spence
Kaptur	Oberstar	Spratt
Kasich	Obey	Stark
Kennedy	Olver	Stenholm
Kennelly	Ortiz	Stokes
Kildee	Orton	Strickland
Kingston	Owens	Studds
Klecicka	Oxley	Stupak
Klein	Pallone	Sundquist
Klink	Parker	Sweet
Klug	Pastor	Swift
Kopetski	Payne (NJ)	Synar
Kreidler	Payne (VA)	Talent
LaFalce	Pelosi	Tanner
Lambert	Penny	Tauzin
Lancaster	Peterson (FL)	Tejeda
Lantos	Peterson (MN)	Thomas (CA)
LaRocco	Petri	Thomas (WY)
Laughlin	Pickett	Thompson
Lazio	Pickle	Thornton
Leach	Pomeroy	Thurman
Lehman	Porter	Torkildsen
Levin	Portman	Torres
Levy	Poshard	Torricelli
Lewis (FL)	Price (NC)	Towns
Lewis (GA)	Pryce (OH)	Trafigant
Lipinski	Quinn	Tucker
Livingston	Rahall	Unsoeld
Lloyd	Ramstad	Upton
Long	Rangel	Valentine
Lowey	Ravenel	Velazquez
Machtley	Reed	Vento
Maloney	Regula	Visclosky
Mann	Reynolds	Volkmer
Manton	Richardson	Walsh
Manzullo	Ridge	Waters
Margolies-	Roberts	Watt
Mezvisinsky	Roemer	Waxman
Markey	Rogers	Weldon
Martinez	Rose	Wheat
Matsui	Rostenkowski	Whitten
Mazzoli	Roth	Wilson
McCandless	Roukema	Wise
McCloskey	Rowland	Wolf
McCrery	Roybal-Allard	Woolsey
McCurdy	Rush	Wyden
McDade	Sabo	Wynn
McHale	Sanders	Yates
McKeon	Sangmeister	Young (FL)
McKinney	Santorum	Zimmer
McMillan	Sarpalius	
McNulty	Sawyer	

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Allard	Gekas	Michel
Archer	Gilchrest	Miller (FL)
Armey	Gonzalez	Molinari
Bachus (AL)	Goodling	Myers
Baker (CA)	Goss	Nussle
Ballenger	Grandy	Packard
Barrett (NE)	Gunderson	Paxon
Bartlett	Hancock	Pombo
Barton	Hansen	Quillen
Bereuter	Hefley	Rohrabacher
Boehner	Herger	Royce
Bonilla	Hoke	Schiff
Bunning	Hutchinson	Sensenbrenner
Burton	Inglis	Shays
Collins (GA)	Inhofe	Shuster
Combest	Johnson, Sam	Skelton
Cox	Kim	Smith (TX)
Crane	King	Solomon
Cunningham	Kolbe	Stump
DeLay	Kyl	Taylor (MS)
Dickey	Lewis (CA)	Taylor (NC)
Doolittle	Lightfoot	Vucanovich
Dornan	Linder	Walker
Dreier	McCollum	Williams
Dunn	McHugh	Young (AK)
Emerson	McInnis	Zeliff
Fawell	Meyers	
Fields (TX)	Mica	

NOT VOTING—15

Cantwell	Hall (OH)	Ros-Lehtinen
Clinger	Hunter	Serrano
Diaz-Balart	Knollenberg	Slattery
Dicks	McDermott	Stearns
Gingrich	Menendez	Washington

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

*Ordered.* That the Clerk request the concurrence of the Senate in said bill.

137.23 PATENT AND TRADEMARK OFFICE AUTHORIZATION

On motion of Mr. BROOKS, by unanimous consent, the bill (H.R. 2632) to authorize appropriations for the Patent and Trademark Office in the Department of Commerce for fiscal year 1994; together the amendment of the Senate thereto, was taken from the Speaker's table.

On motion of Mr. BROOKS, said Senate amendment was agreed to with the following amendment:

In lieu of the text proposed to be inserted by the Senate amendment, insert the following:

SEC. 5. INTERIM PATENT EXTENSIONS.

Section 156 of title 35, United States Code, is amended—

(1) in subsection (c)(4) by striking out "extended" and inserting "extended under subsection (e)(1)";

(2) in the second sentence of subsection (d)(1) by striking "Such" and inserting "Except as provided in paragraph (5), such"; and

(3) by adding at the end of subsection (d) the following new paragraph:

"(5)(A) If the owner of record of the patent or its agent reasonably expects that the applicable regulatory review period described in paragraph (1)(B)(ii), (2)(B)(ii), (3)(B)(ii), (4)(B)(ii), or (5)(B)(ii) of subsection (g) that began for a product that is the subject of such patent may extend beyond the expiration of the patent term in effect, the owner or its agent may submit an application to the Commissioner for an interim extension during the period beginning 6 months, and ending 15 days, before such term is due to expire. The application shall contain—

"(i) the identity of the product subject to regulatory review and the Federal statute under which such review is occurring;

"(2) the identity of the patent for which interim extension is being sought and the identity of each claim of such patent which claims the product under regulatory review or a method of using or manufacturing the product;

"(iii) information to enable the Commissioner to determine under subsection (a)(1), (2), and (3) the eligibility of a patent for extension;

"(iv) a brief description of the activities undertaken by the applicant during the applicable regulatory review period to date with respect to the product under review and the significant dates applicable to such activities; and

"(v) such patent or other information as the Commissioner may require.

"(B) If the Commissioner determines that, except for permission to market or use the product commercially, the patent would be eligible for an extension of the patent term under this section, the Commissioner shall publish in the Federal Register a notice of such determination, including the identity of the product under regulatory review, and shall issue to the applicant a certificate of interim extension for a period of not more than 1 year.

"(C) The owner of record of a patent, or its agent, for which an interim extension has been granted under subparagraph (B), may apply for not more than 4 subsequent interim extensions under this paragraph, except that, in the case of a patent subject to subsection (g)(6)(C), the owner of record of the patent, or its agent, may apply for only 1 subsequent interim extension under this paragraph. Each such subsequent application shall be made during the period beginning 60 days before, and ending 30 days before, the expiration of the preceding interim extension.

"(D) Each certificate of interim extension under this paragraph shall be recorded in the official file of the patent and shall be considered part of the original patent.

"(E) Any interim extension granted under this paragraph shall terminate at the end of the 60-day period beginning on the date on which the product involved receives permission for commercial marketing or use, except that, if within that 60-day period the applicant notifies the Commissioner of such permission and submits any additional information under paragraph (1) of this subsection not previously contained in the application for interim extension, the patent shall be further extended, in accordance with the provisions of this section—

"(i) for not to exceed 5 years from the date of expiration of the original patent term; or

"(ii) if the patent is subject to subsection (g)(6)(C), from the date on which the product involved receives approval for commercial marketing or use.

"(F) The rights derived from any patent the term of which is extended under this paragraph shall, during the period of interim extension—

"(i) in the case of a patent which claims a product, be limited to any use then under regulatory review;

"(ii) in the case of a patent which claims a method of using a product, be limited to any use claimed by the patent then under regulatory review; and

"(iii) in the case of a patent which claims a method of manufacturing a product, be limited to the method of manufacturing as used to make the product then under regulatory review."

SEC. 6. CONFORMING AMENDMENTS.

Section 156 of title 35, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "(d)" and inserting "(d)(1)"; and

(B) in paragraph (3) by striking "subsection (d)" and inserting "paragraphs (1) through (4) of subsection (d)";

(2) in subsection (b) by striking "The rights" and inserting "Except as provided in subsection (d)(5)(F), the rights"; and

(3) in subsection (e)—

(A) in paragraph (1) by striking "subsection (d)" and inserting "paragraphs (1) through (4) of subsection (d)"; and

(B) in paragraph (2) by striking "(d)" and inserting "(d)(1)".

SEC. 7. PATENT TERM EXTENSIONS FOR AMERICAN LEGION.

(a) BADGE OF AMERICAN LEGION.—The term of a certain design patent numbered 54,296 (for the badge of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

(b) BADGE OF AMERICAN LEGION WOMEN'S AUXILIARY.—The term of a certain design patent numbered 55,398 (for the badge of the American Legion Women's Auxiliary) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

(c) BADGE OF SONS OF THE AMERICAN LEGION.—The term of a certain design patent numbered 92,187 (for the badge of the Sons of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

#### SEC. 8. INTERVENING RIGHTS.

The renewals and extensions of the patents under section 6 shall not result in infringement of any such patent on account of any use of the subject matter of the patent, or substantial preparation for such use, which began after the patent expired, but before the date of the enactment of this Act.

By unanimous consent, the title was amended so as to read:

“A bill to authorize appropriations for the Patent and Trademark Office in the Department of Commerce for fiscal year 1994, and for other purposes.”.

A motion to reconsider the votes whereby said Senate amendment was agreed to with an amendment and the title was amended was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said amendments.

#### ¶137.24 ORDER OF BUSINESS— SUSPENSION OF THE RULES

On motion of Mr. FAZIO, by unanimous consent,

*Ordered*, That it may be in order on Saturday, November 20, 1993, for the Speaker to recognize Members for motions to suspend the rules under clause 1, rule XXVII, on the following measures: H.R. 1133, Violence Against Women; H.R. 324, Crimes Against Children Registration Act; H.R. 3378, International Parental Kidnaping; H.R. 3098, Youth Handgun Safety; H.R. 1237, National Child Protection Act; H.R. 783, Nationality and Naturalization Act; H.R. 897, Copyright Reform Act; H.R. 3515, Omnibus Agriculture Research and Promotion Improvements Act; H.R. 2811, National Oceanic and Atmospheric Administration Atmospheric and Satellite Program Authorization; H.R. 1994, Environmental Research and Development and Demonstration Authorization Act; H.R. 3512, National Environmental Policy Act administrative reorganization amendments; H.R. 3402, Fountain Darter Captive Propagation Research Act of 1993; H.R. 2457, the Winter Run Chinook Salmon Captive Broodstock Act of 1993; H.R. 3509, Governing International Fisheries Agreement Between the United States and Russia; H.R. 58, Merchant Marine Memorial Enhancement Act of 1993; H.R. 1250, United States Flag Passenger Vessel Act of 1993; H.R. 3474, Community Development Banking and Financial Institutions Act of 1993; H.R. 2960, Amendments to the Competitiveness Policy Council Act; H.R. 2921, Authorize Appropriations for Restoration of Historic Buildings at Black Universities; H.R. 2947, 2-year Extension of Authorization for Black Revolutionary War Memorial; H.R. 486, Harry Truman National Historic Site in Missouri; H.R. 3505, Developmental Disabilities Reauthorization; H.R. 3216, Domestic

Chemical Diversion Control Act; H. Con. Res. 131, Regarding Sudan; and H. Con. Res. 175, Antiboycott Resolution.

#### ¶137.25 REA OVERSIGHT REGULATIONS

On motion of Mr. DE LA GARZA, by unanimous consent, the Committee of the Whole House on the state of the Union was discharged from further consideration of the bill (H.R. 3514) to clarify the regulatory oversight exercised by the Rural Electrification Administration with respect to certain electric borrowers.

When said bill was considered and read twice.

The bill was ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

#### ¶137.26 SUBMISSION OF CONFERENCE REPORT—H.R. 1268

Mr. MILLER of California submitted a conference report (Rept. No. 103-383) on the bill (H.R. 1268) to assist the development of tribal judicial systems, and for other purposes; together with a statement thereon, for printing in the Record under the rule.

#### ¶137.27 ORDER OF BUSINESS— CONSIDERATION OF CONFERENCE REPORT ON H.R. 1267

On motion of Mr. MILLER of California, by unanimous consent,

*Ordered*, That, notwithstanding the provisions of clause 2 of rule XXVIII, it may be in order for the House to immediately consider the conference report on the bill (H.R. 1268) to assist the development of tribal judicial systems, and for other purposes; and said conference report shall be considered as read when called up.

#### ¶137.28 TRIBAL JUDICIAL SYSTEMS

Mr. MILLER of California, pursuant to the foregoing order of the House, called up the following conference report (Rept. No. 103-383):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1268) to assist the development of tribal judicial systems, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the “Indian Tribal Justice Act”.

##### SEC. 2. FINDINGS.

The Congress finds and declares that—

(1) there is a government-to-government relationship between the United States and each Indian tribe;

(2) the United States has a trust responsibility to each tribal government that includes the protection of the sovereignty of each tribal government;

(3) Congress, through statutes, treaties, and the exercise of administrative authorities, has recognized the self-determination, self-reliance, and inherent sovereignty of Indian tribes;

(4) Indian tribes possess the inherent authority to establish their own form of government, including tribal justice systems;

(5) tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring public health and safety and the political integrity of tribal governments;

(6) Congress and the Federal courts have repeatedly recognized tribal justice systems as the appropriate forums for the adjudication of disputes affecting personal and property rights;

(7) traditional tribal justice practices are essential to the maintenance of the culture and identity of Indian tribes and to the goals of this Act;

(8) tribal justice systems are inadequately funded, and the lack of adequate funding impairs their operation; and

(9) tribal government involvement in and commitment to improving tribal justice systems is essential to the accomplishment of the goals of this Act.

##### SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term “Bureau” means the Bureau of Indian Affairs of the Department of the Interior.

(2) The term “Courts of Indian Offenses” means the courts established pursuant to part 11 of title 25, Code of Federal Regulations.

(3) The term “Indian tribe” means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native entity, which administers justice under its inherent authority or the authority of the United States and which is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians.

(4) The term “judicial personnel” means any judge, magistrate, court counselor, court clerk, court administrator, bailiff, probation officer, officer of the court, dispute resolution facilitator, or other official, employee, or volunteer within the tribal justice system.

(5) The term “Office” means the Office of Tribal Justice Support within the Bureau of Indian Affairs.

(6) The term “Secretary” means the Secretary of the Interior.

(7) The term “tribal organization” means any organization defined in section 4(l) of the Indian Self-Determination and Education Assistance Act.

(8) The term “tribal justice system” means the entire judicial branch, and employees thereof, of an Indian tribe, including (but not limited to) traditional methods and forums for dispute resolution, lower courts, appellate courts (including intertribal appellate courts), alternative dispute resolution systems, and circuit rider systems, established by inherent tribal authority whether or not they constitute a court of record.

##### TITLE I—TRIBAL JUSTICE SYSTEMS

##### SEC. 101. OFFICE OF TRIBAL JUSTICE SUPPORT.

(a) ESTABLISHMENT.—There is hereby established within the Bureau the Office of Tribal Justice Support. The purpose of the Office shall be to further the development, operation, and enhancement of tribal justice systems and Courts of Indian Offenses.

(b) TRANSFER OF EXISTING FUNCTIONS AND PERSONNEL.—All functions performed before the date of the enactment of this Act by the Branch of Judicial Services of the Bureau and all personnel assigned to such Branch as of the date of the enactment of this Act are