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Citation: 2 An Act to Amend Title 35 United States Code with  
to Patents on Biotechnological Processes Pub. L.  
109 Stat. 351 S14313 1995

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Tue Mar 19 17:49:36 2013

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Liberty beamed information into the heart of Eastern Europe and the former Soviet Union. These broadcasts allowed the citizens in authoritarian countries to hear news about what was happening in their own country and paved the way toward democracy. Lech Walesa has said that these broadcasts were important for helping to create and strengthen the solidarity movement. Lithuanian President Landsbergis is sought to nominate RFE for a Nobel Prize. It is clear that surrogate broadcasting worked in Eastern Europe and continues to be an effective tool for combating political repression and censorship abroad.

With the recent release of the Radio Free Asia Commission report, it is time to turn our attention to radio broadcasting in Asia. While I believe that the United States should broadcast news and information to a number of countries in Asia with serious human rights violations, I am particularly interested in the future of North Korea. This regime possesses the most egregious human rights record in Asia. Kim Il-Sung has built the world's largest personality cult through cutting off contact with the outside world. He has isolated an entire nation and sought to infect his people with his sense of paranoia and xenophobia. Kim Il-Sung has gone so far as to limit radios in North Korea to only three stations. This modern-day hermit kingdom is also seeking the technology to build nuclear weapons. Kim Il-Sung's obsession with political isolation and nuclear technology is an extremely dangerous combination. It is clear that North Korea needs to be drawn out of its shell, but the primary question is how to achieve this goal.

Congress should continue to explore creative options designed to expand broadcasts to North Korea and to circumvent government-imposed censorship. Other ideas to promote contacts and exchange with the North Korean people should be examined as well. The important point is that we reach out to the North Korean people and offer them an alternative source of information and news. In this way, the United States and its allies will help weaken the stranglehold that Kim Il-Sung has on North Korea. Mr. President, Diana Lady Dougan of the Center for Strategic and International Studies [CSIS] has written a piece on this very subject, and I would like to include it for the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

N. KOREA STILL ISOLATED, STILL A THREAT  
(By Diana Lady Dougan)

The recent change of heart allowing limited nuclear site inspection and returning the remains of 30 Korean War casualties have political pundits suddenly rejoicing that North Korea is finally joining the so-called new world order.

Don't start celebrating yet.

In reality, little has changed politically in North Korea. Indeed, the recent 60th birthday celebration of their "great and glorious

leader," Kim Il-Sung, was a monument to dictator decadence and brain-washed subservience. (The only new "washing" seemed to be courtesy of the six towels and six bars of soap each of Kim-Il-Sung's 21 million subjects received in honor of the great occasion.)

At first glance, North Korea's 40-plus years of totalitarian communist rule holds no more drama than many other spots on the map.

Like East and West Germany, North and South Korea were arbitrary creations of politics rather than ethnic or economic differences. Romania had a comparably megalomaniacal dictator. Albania long practiced an equally high level of xenophobia. Yet each of these countries has joined the tidal wave of change towards democracy. Why not North Korea?

One major reason is "electronic isolation." Unlike Eastern Europe and the former Soviet Union, North Korea has successfully kept out the invasion of broadcast signals that fueled political change across the globe.

The people of North Korea have not been able to hear the dissenting voices of VOA, BBC or Radio Liberty, much less see the diverse images of CNN, the U.S. Armed Forces Television or the South Korean channels that beam into hotels and homes less than 50 miles away in the bustling capital of South Korea.

While many communist countries spent millions (some say billions) in jamming Western shortwave radio broadcasts, the North Koreans have simply "neutered" the receiving equipment. All radios and TV's in North Korea are soldered to receive only the channels that are official transmissions of the North Korean government.

Few citizens risk the heavy and swift jail sentences for not properly "registering" all electronic equipment. Since all radios and TV's require a "physical" examination to be properly registered, the government kindly "fixes" even the few imported gifts that have been known to enter the country.

Ironically, the only outside messages currently penetrating the borders of North Korea are religious—and not just by Billy Graham.

During a recent meeting in Seoul, I discussed the situation with our U.S. Ambassador, Don Gregg, an old Korea hand. He recounted his cynicism when a visiting American evangelist recently boasted that his sermons and Bible messages were getting through to the North. It seems however, that the evangelist has done some serious homework.

The enterprising evangelist started by researching where North Koreans can still conveniently bicycle across the bridges to the Chinese side of the Yalu River to buy much needed personal necessities. He then determined that the most coveted items are ladies' underwear.

Instead of supplementing the already limited supply of plain, utilitarian undies, the evangelist is sending in shipments of colorful lace delicacies at reasonable prices. These attractive undergarments are decorated with more than lace, however. Every brassiere and panty is covered with an assortment of biblical quotes and pithy sermonettes written in Korean.

The minister firmly believes that thousands of North Korean ladies and their attentive spouses and friends are now getting close-up "exposure" to the messages of Christianity.

While one is tempted to chuckle at the whimsy of an enterprising evangelist, the issue of getting through to North Korea is a serious matter. Defense Secretary Dick Cheney has pegged North Korea as the most critical "flashpoint" in the world, reminding us

ominously that "North Korea's 40-year history of aggression, terrorism and irresponsible weapons sales has acquired a dangerous new dimension—the development of nuclear weapons.

It is frightening that the even mildly appeasing rhetoric and vague promises of nuclear stand-downs is totally dependent on the personal whim of Kim Il-Sung or his slightly crazed, but anointed son.

Kim Il-Sung's tightly controlled internal propaganda machine continues to feed fear and distrust of the West. More important, as long as North Korea remains isolated from external sources of news and information, it maintains a dangerous potential to strike out like a startled animal suddenly confronted with things it doesn't understand. Armed with nuclear claws, it could be lethal indeed.

Before any serious initiative toward Korean reunification can hope to take root, diverse avenues of information must develop. As events in Germany palpably demonstrated, the Berlin Wall was neither soundproof nor videoproof. Democratic values and market concepts had been continuously leaping over the Berlin Wall courtesy of Western radio and TV for more than a decade prior to unification.

The Bush administration is currently agonizing over its international broadcast priorities in a post-Cold War era. While broadcasting continues to Eastern Europe and the former Soviet Union, high on the list is how to more effectively reach the People's Republic of China. Both VOA and a recently appointed presidential task force are wrestling with complex problems of securing transmitter sites, developing more programs and tapping limited resources.

While no one is discounting the importance of China, it is at least lurching towards openness and liberalization. The United States would do well to give some serious attention to getting through to the even more isolated North Korea.

Second, spending money on traditional shortwave transmitters and programs is not enough. New and creative thinking is required where North Korea is concerned.

Those who suggest we should wait patiently for the demise of Kim Il-Sung are courting disaster. His increasingly enfranchised son is known to be dumb as well as crazy—a nasty combination in dictators. Let's not leave the people of North Korea alone with them.

## BIOTECHNOLOGY PATENT PROTECTION ACT

The text of the bill (S. 654) to amend title 35, United States Code, with respect to patents on certain processes, as passed by the Senate on September 18, 1992, is as follows:

S. 654

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### TITLE I—BIOTECHNOLOGICAL PROCESS PATENTS

#### SEC. 101. CONDITIONS FOR PATENTABILITY; NONOBVIOUS SUBJECT MATTER.

Section 103 of title 35, United States Code, is amended—

- (1) in the first unnumbered paragraph by inserting "(a)" before "A patent";
- (2) in the second unnumbered paragraph by inserting "(b)" before "Subject matter"; and
- (3) by adding at the end thereof the following new subsections:

"(c) Notwithstanding any other provision of this section, a claimed process of making

or using a machine, manufacture, or composition of matter is not obvious under this section if—

"(1) the machine, manufacture, or composition of matter is novel under section 102 of this title and nonobvious under this section;

"(2) the claimed process is a biotechnological process as defined in subsection (d); and

"(3)(A) the machine, manufacture, or composition of matter, and the claimed process invention at the time it was made, were owned by the same person or subject to an obligation of assignment to the same person; and

"(B) claims to the process and to the machine, manufacture, or composition of matter, are entitled to the same effective filing date, and appear in the same patent application, different patent applications, or patent application and patent which are owned by the same person and which expire or are set to expire on the same date.

"(d) For purposes of this section, the term 'biotechnological process' means any method of making or using living organisms, or parts thereof, for the purpose of making or modifying products. Such term includes recombinant DNA, recombinant RNA, cell fusion including hybridoma techniques, and other processes involving site specific manipulation of genetic material."

#### SEC. 102. NO PRESUMPTION OF INVALIDITY.

The first unnumbered paragraph of section 282 of title 35, United States Code, is amended by inserting after the second sentence "A claim issued under the provisions of section 103(c) of this title on a process of making or using a machine, manufacture, or composition of matter shall not be held invalid under section 103 of this title solely because the machine, manufacture, or composition of matter is determined to lack novelty under section 102 of this title or to be obvious under section 103 of this title."

#### SEC. 103. EFFECTIVE DATE.

The amendments made by this title shall apply to all United States patents granted on or after the date of the enactment of this Act and to all applications for United States patents pending on or filed after such date of enactment, including any application for the reissuance of a patent.

#### TITLE II—BIOTECHNOLOGICAL MATERIAL PATENTS

##### SEC. 201. INFRINGEMENT BY IMPORTATION, SALE OR USE.

(a) INFRINGEMENT.—Section 271 of title 35, United States Code, is amended by adding at the end the following new subsection:

"(h) Whoever without authority imports into the United States or sells or uses within the United States a product which is made by using a biotechnological material (as defined under section 154(b)) which is patented in the United States shall be liable as an infringer if the importation, sale, or use of the product occurs during the term of such patent."

(b) CONTENTS AND TERM PATENT.—Section 154 of title 35, United States Code, is amended—

(1) by inserting "(a)" before "Every";

(2) by striking out "in this title," and inserting in lieu thereof "in this title (1)";

(3) by striking out "and, if the invention" and inserting "(2) if the invention";

(4) by inserting after "products made by that process," the following: "and (3) if the invention is a biotechnological material used in making a product, of the right to exclude others from using or selling throughout the United States, or importing into the United States the product made or using such biotechnological material,"; and

(5) by adding at the end thereof the following:

"(b) For purposes of this section, the term 'biotechnological material' is defined as any material (including a host cell, DNA sequence, or vector) that is used in a biotechnological process as defined under section 103(d)."

#### (c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall take effect six months after the date of enactment of this Act and, subject to paragraph (2), shall apply only with respect to products made or imported after the effective date of the amendments made by this section.

(2) EXCEPTIONS.—The amendments made by this section shall not abridge or affect the right of any person, or any successor to the business of such person (A) to continue to use, sell, or import any specific product in substantial and continuous sale or use by such person in the United States on date of enactment, or (B) for which substantial preparation by such person for such sale or use was made before such date, to the extent equitable for the protection of commercial investment made or business commenced in the United States before such date.

#### INDIAN HEALTH CARE AMENDMENTS ACT

The text of the bill (S. 2481) to amend the Indian Health Care Improvement Act to authorize appropriations for Indian health programs, and for other purposes, as passed by the Senate on September 18, 1992, is as follows:

S. 2481 —

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Indian Health Care Amendments Act of 1992".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.  
Sec. 2. Amendments to Indian Health Care Improvement Act.  
Sec. 3. Findings; policy; definitions.

#### TITLE I—INDIAN HEALTH MANPOWER

Sec. 101. Purpose.  
Sec. 102. Health professions.  
Sec. 103. Breach of contract provisions relating to Indian health scholarships.

Sec. 104. Nursing.  
Sec. 105. Maintenance of community health representative program.  
Sec. 106. Changes to Indian health service loan repayment program.

Sec. 107. Recruitment activities.  
Sec. 108. Advanced training and research.  
Sec. 109. Tribally controlled postsecondary vocational institutions.

Sec. 110. INMED program.  
Sec. 110A. Quentin N. Burdick Indian Health Program.  
Sec. 111. Scholarship and loan repayment recovery.

Sec. 112. Matching grants to tribes.  
Sec. 113. Community health aid program.  
Sec. 114. Tribal health program administration.

Sec. 115. Placement of participants in scholarship and loan repayment programs.  
Sec. 116. Interdisciplinary training grants.  
Sec. 117. Manpower shortages.  
Sec. 118. Authorization of appropriations.

#### TITLE II—HEALTH SERVICES

Sec. 201. Health status and resource deficiency status.

Sec. 202. Catastrophic health emergency fund.  
Sec. 203. Health promotion and disease prevention.  
Sec. 204. Diabetes prevention, treatment, and control.  
Sec. 205. Mental health prevention and treatment services.  
Sec. 206. New studies.  
Sec. 207. Right of recovery.  
Sec. 208. Epidemiology grant program.  
Sec. 209. California contract health services demonstration program.  
Sec. 210. Coverage of screening mammography.  
Sec. 211. Comprehensive school health education programs.  
Sec. 212. Indian youth grant program.  
Sec. 213. Tuberculosis prevention demonstration program.  
Sec. 214. Patient travel costs.  
Sec. 215. Authorization of appropriations.  
Sec. 216. Contract Health Services payment study.  
Sec. 217. Native Hawaiian health scholarships.  
Sec. 218. Payment of claims.

#### TITLE III—HEALTH FACILITIES

Sec. 301. Health facilities closure and priorities.  
Sec. 302. Safe water and sanitary waste disposal facilities.  
Sec. 303. Ambulatory care facilities grant program.  
Sec. 304. Indian health care delivery demonstration project.  
Sec. 305. Expenditure of nonservice funds for renovation.

Sec. 306. Authorization of appropriations.

#### TITLE IV—ACCESS TO HEALTH SERVICES

Sec. 401. Treatment of payments to Indian health service facilities under medicare and medicaid programs.

Sec. 402. Report.  
Sec. 403. Grants to and contracts with tribal organizations.

Sec. 404. Extension of demonstration program.

Sec. 405. Additional authority.  
Sec. 406. Authorization of appropriations.

#### TITLE V—HEALTH SERVICES FOR URBAN INDIANS

Sec. 501. Authorization of appropriations.  
Sec. 502. Grant authority.  
Sec. 503. Federal Tort Claims Act coverage.  
Sec. 504. Treatment of demonstration programs.

#### TITLE VI—ORGANIZATIONAL IMPROVEMENTS

Sec. 601. Indian Health Service.  
Sec. 602. Authorization of appropriations.  
Sec. 603. Director of Indian Health Service.

#### TITLE VII—SUBSTANCE ABUSE PROGRAMS

Sec. 701. Redesignation of existing title VII.  
Sec. 702. Substance abuse programs.

#### TITLE VIII—MISCELLANEOUS

Sec. 801. Reports.  
Sec. 802. Regulations.  
Sec. 803. Extension of treatment of Arizona as a contract health service delivery area.  
Sec. 804. Infant and maternal mortality; fetal alcohol syndrome.  
Sec. 805. Reallocation of base resources.  
Sec. 806. Child sexual abuse treatment programs.  
Sec. 807. Tribal leasing.  
Sec. 808. Extension of tribal management demonstration project termination date in certain cases.  
Sec. 809. Long-term care demonstration project.  
Sec. 810. Results of demonstration projects.

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