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ACTION

Remarks by Mr. Kastenmeier

THE PATENT TERM RESTORATION ACT

(Mr. KASTENMEIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KASTENMEIER. Mr. Speaker, the Patent Term Restoration Act will be voted on later this morning, and it will insure the continued development of lifesaving and cost-effective medicines.

Unless we act, we can expect that research and development of new pharmaceutical and chemical products may dramatically fall.

Adjusted for inflation, pharmaceutical research as a percentage of sales fell almost 35 percent from 1966 to 1980. During the same period, the effective patent term, because of regulation, declined from 14.6 years to 7.4 years in 1980, and in 1981 to 6.8 years.

Mr. Speaker, I should also add—and you will not learn this from opponents of the bill—this bill is prospective only. It cannot affect old people or consumers next year or the year after. It applies to patents issued after adoption of the act for which there are 17 years. There is no way that it can possibly negatively impact—you can speculate it might one day—until the year 2000, until the year 2000 might these patent terms prospectively, which are 17 years, and be then extended, could possibly affect anybody negatively. In the meantime, Mr. Speaker, we will have told the pharmaceutical companies that whether or not they make management decisions on new drugs, we will have at least held out the promise that they will have a little more adequate term patent protection. That is the purpose of the bill, and that is why, overwhelmingly, the Judiciary Committee reported it out. In fact, an even more stringent bill was unanimously voted on by the Senate.