OISS FORM 51 (Rev. 11-82)

CONGRESSIONAL RECORD
PROCEEDINGS AND DEBATES OF THE 98TH CONGRESS

SENATE

BILL	DATE	PAGE(S)
S.1538	JUN 29 '84 (92-II)	S8915-21

ACTION:

Patent Law Amendments: Senate passed S. 1538, authorizing the Commissioner of Patents and Trademarks to issue a patent on an invention without the required examination if the applicant waives all remedies and pays a stated fee, after agreeing to committee amendments and the following amendments proposed thereto: Page S8915

(1) Dole (for Thurmond) Amendment No. 3382, extending the patent on certain drug products.

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(2) Dole (for Thurmond) Amendment No. 3383, amending the Textile Fiber Products Identification Act and the Wool Products Labeling Act of 1939, to improve the labeling of textile fiber and wool products.

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(3) Dole (for Thurmond) Amendment No. 3384, of a technical and clarifying nature.

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PATENT LAW AMENDMENTS

Mr. DOLE. Mr. President, I ask the Chair lay before the Senate calendar order No. 1016, S. 1538.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1538) to amend the patent law of the United States.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendment, as follows:

S. 1538

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Patent Law Amendments of 1983".

SEC. 2. (a) Chapter 14 of title 35, United States Code, is amended by adding at the end thereof the following new section:

"§ 156. [Issuance of patents without examination] *Statutory invention recording*

"(a) Notwithstanding any other provisions of this title, the Commissioner is authorized to [issue a patent on an invention without the examination required by sections 131 and 132 of this title,] *publish a statutory invention registration containing the specification and drawings of a regularly filed application for a patent without examination,* except as may be required to conduct an interference proceeding, to determine compliance with section 112 of this title, or to review for formalities required for printing, if the applicant—

"(1) waives [all remedies with respect to the patent and any reissue thereof, arising under sections 183 and 271 through 289 of this title and under any other provision of Federal law, within such time as the Commissioner specifies, and] *the right to receive a patent on the invention within such period as may be prescribed by the Commissioner, and*

"(2) pays *application, publication and other processing fees* [fees, which may be less than those specified in section 41 of this title, established by the Commissioner for the filing and issuance of such a patent.] *Commissioner.*

"(b) The waiver under this section shall take effect upon [issuance of the patent. No maintenance fees shall be required with respect to patents issued under this section.".] *publication of the statutory invention recording.*

"(c) A statutory invention recording published pursuant to this section shall have all of the attributes specified for patents in this title except those specified in section 183, and sections 271 through 289 of this title. A statutory invention recording shall not have any of the attributes specified for patents in any other title of this Code.".

(b) The analysis for chapter 14 of title 35, United States Code, is amended by adding at the end the following:

"156. [Issuance of patents without examination.".] *Statutory invention recording.".*

(c) The Secretary of Commerce shall convene an inter-agency committee to co-ordinate policy on the use of the statutory invention recording procedure by agencies of the United States. Such policy shall ordinarily require use of the statutory invention recording procedure for inventions as to which the United States may have the right of ownership that do not have commercial potential. The interagency committee shall also, after obtaining views from the public, establish standards for evaluating the commercial potential of inventions to which the government may have the right of ownership. The head of each agency which has a significant research program (as determined by the Secretary of Commerce) shall designate either the senior technology transfer official or the senior research policy official to participate as a member of the interagency committee. The Secretary of Commerce shall report to the Congress annually on the use of statutory invention recordings. Such report shall include an assessment of the degree to which agencies of the Federal Government are making use of the statutory invention recording system, the degree to which it aids the management of federally developed technology, and an assessment of the cost savings to the Federal Government of the use of such procedures.

SEC. 3. Section 134 of title 35, United States Code, is amended by striking out "primary".

[SEC. 4. Section 151 of title 35, United States Code, is amended—

[(1) by amending the second sentence in the first paragraph to read as follows: "The notice shall specify the issue fee which shall be paid within three months thereafter, or within such shorter time, not less than one month, as fixed by the Commissioner in such notice."; and

[(2) by striking out the third paragraph.]

SEC. [5.]*4.* Section 361(d) of title 35, United States Code, is amended by inserting "or within one month [thereafter"] *after such date"* after "application" in the first sentence.

SEC. [6.]*5.* Section 366 of title 35, United States Code, is amended—

(1) by inserting "after the date of withdrawal," after "effect";

(2) by inserting ", unless a claim for the benefit of a prior filing date under section 365(c) of this part was made in a national application, or an international application designating the United States, filed before the date of such withdrawal" before the period at the end of the first sentence; and

(3) by inserting "withdrawn" after "such" in the second sentence.

SEC. [7.]*6.* (a) Section 371(a) of title 35, United States Code, is amended by—

(1) striking out "is" and inserting in lieu thereof "may be"; and

(2) striking out ", except those filed in the Patent Office".

(b) Section 371(b) of title 35, United States Code, is amended to read as follows:

"(b) Subject to subsection (f) of this section, the national stage shall commence with the expiration of the applicable time limit under article 22 (1) or (2) of the treaty.".

(c) Section 371(c)(2) of title 35, United States Code, is amended by—

(1) striking out "received from" and inserting in lieu thereof "communicated by"; and

(2) striking out "verified" before "translation".

(d) Section 371(d) of title 35, United States Code, is amended to read as follows:

"(d) The requirements with respect to the national fee referred to in subsection (c)(1), the translation referred to in subsection (c)(2), and the oath or declaration referred to in subsection (c)(4) of this section shall be complied with by the *date of the* commencement of the national stage or by such later time as may be fixed by the Commissioner. The copy of the international application referred to in subsection (c)(2) shall be submitted by the *date of the* commencement of the national stage. Failure to comply with these requirements shall be regarded as abandonment of the application by the parties thereof, unless it be shown to the satisfaction of the Commissioner that such failure to comply was unavoidable. The payment of a surcharge may be required as a condition [for] *of* accepting the national fee refered to in subsection (c)(1) or the oath or declaration referred to in subsection (c)(4) of this section if these requirements are not met by the *date of the* commencement of the national stage. The requirements of subsection (c)(3) of this section shall be complied with by the *date of the* commencement of the national stage, and failure to do so shall be regarded as a cancellation of the amendments to the claims in the international application made under article 19 of the treaty.".

SEC. [8] *7.* (a) Section 372(b) of title 35, United States Code, is amended by—

(1) striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon; and

(2) inserting at the end thereof the following:

"(3) the Commissioner may require a verification of the translation of the international application or any other document pertaining thereto if the application or other document was filed in a language other than English.".

(b) Section 372 of title 35, United States Code, is amended by deleting subsection (c).

SEC. [9.] *8.* Section 376(a) of title 35, United States Code, is amended by striking out paragraph (5) and redesignating paragraph (6) as paragraph (5).

SEC. [10.] *9.* Title 35, United States Code, is amended by striking out "Patent Office" each place it appears and inserting in [its place] *lieu thereof* "Patent and Trademark Office".

SEC. [11.] *10.* Notwithstanding section 2 of the Public Law 96-517, no fee shall be collected for maintaining a plant patent in force.

SEC. 11. (a) Section 7 of title 35, United States Code, is amended to read as follows:

"§ 7. Board of Patent Appeals and Interferences

"The examiners-in-chief shall be persons of competent legal knowledge and scientific ability, who shall be appointed under the classified civil service. The Commissioner, the deputy commissioner, the assistant commissioners, and the examiners-in-chief shall constitute a Board of Patent Appeals and Interferences.

"The Board of Patent Appeals and Interferences shall, on written appeal of an applicant, review adverse decisions of examiners upon applications for patents and shall determine priority and patentability of invention in interferences declared pursuant to section 135(a) of this title. Each appeal and interference shall be heard by at least three members of the Board of Patent Appeals and Interferences, the members to be designated by the Commissioner. The Board of Patent Appeals and Interferences ha sole power to grant rehearings.

"Whenever the Commissioner considers it necessary to maintain the work of the Board of Patent Appeals and Interferences current, he may designate any patent examiner of the primary examiner grade or higher, having the requesite ability, to serve as examiner-in-chief for periods not exceeding six months each. An examiner so designated shall be qualified to act as a member of the Board of Patent Appeals and Interferences. Not more than one such primary examiner shall be a member of the Board of Patent Appeals and Interferences hearing an appeal or

determining an interference. The Secretary of Commerce is authorized to fix the per annum rate of basic compensation of each designated examiner-in-chief in the Patent and Trademark Office at not in excess of the maximum scheduled rate provided for positions at GS-16 pursuant to section 5332 of title 5, United States Code. The per annum rate of basic compensation of each designated examiner-in-chief shall be adjusted, at the close of the period for which he was designated to act as examiner-in-chief, to the per annum rate of basic compensation which he would have been receiving at the close of such period if such designation had not been made.".

(b) The item relating to section 7 in the analysis for chapter 1 of title 35, United States Code, is amended by inserting "Board of Patent Appeals and Interferences" in lieu of "Board of Appeals".

SEC. 12. Section 41(a)(6) of title 35, United States Code, is amended by inserting "Board of Patent Appeals and Interferences" in lieu of "Board of Appeals", each place it appears and inserting "in the appeal" after "oral hearing".

SEC. 13. (a) Section 134 of title 35, United States Code, including the section heading, is amended by inserting "Board of Patent Appeals and Interferences" in lieu of "Board of Appeals" each place it appears.

(b) The item relating to section 134 in the analysis for chapter 12 of title 35, United States Code, is amended by inserting "Board of Patent Appeals and Interferences" in lieu of "Board of Appeals".

SEC. 14. (a) Section 135(a) of title 35, United States Code, is amended to read as follows:

"(a) Whenever an application is made for a patent which, in the opinion of the Commissioner, would interfere with any pending application, or with any unexpired patent, an interference may be declared and the Commissioner shall give notice thereof to the applicants, or applicant and patentee, as the case may be. The Board of Patent Appeals and Interferences shall determine the priority and patentability of invention in interferences. Any final decision, if adverse to the claim of an applicant, shall constitute the final refusal by the Patent and Trademark Office of the claims involved, and the Commissioner may issue a patent to the applicant who is adjudged the prior inventor. A final judgment adverse to a patentee from which no appeal or other review has been or can be taken or had shall constitute cancellation of the claims of the patent, and notice thereof shall be endorsed on copies of the patent thereafter distributed by the Patent and Trademark Office.".

(b) Section 135(b) of title 35, United States Code, is amended by striking out "may" and inserting in lieu thereof "shall".

SEC. 15. Section 141 of title 35, United States Code, is amended to read as follows:

"§ 141. Appeal to court of appeals for the Federal circuit

"An applicant dissatisfied with the decision in an appeal to the Board of Patent Appeals and Interferences under section 134 of this title may appeal to the United States Court of Appeals for the Federal Circuit, thereby waiving his right to proceed under section 145 of this title. A party to an interference dissatisfied with the decision of the Board of Patent Appeals and Interferences may appeal to the United States Court of Appeals for the Federal Circuit, but such appeal shall be dismissed if any adverse party to such interference, within twenty days after the appellant has filed notice of appeal according to section 142 of this title, files notice with the Commisisoner that he elects to have all further proceedings conducted as provided in section 146 of this title. Thereupon the appellant shall have thirty days thereafter within which to file a civil action under section 146, in default of which the decision appealed from shall govern the further proceedings in the case.".

SEC. 16. Section 145 of title 35, United States Code, is amended—

(1) by inserting "Board of Patent Appeals and Interferences in an appeal under section 134 of this title" in lieu of "Board of Appeals" in the first sentence; and

(2) by inserting "Board of Patent Appeals and Interferences" in lieu of "Board of Appeals" in the second sentence.

SEC. 17. Section 146 of title 35, United States Code, is amended by striking "board of patent interferences on the question of priority" and inserting in lieu thereof "Board of Patent Appeals and Interferences".

SEC. 18. Section 305 of title 35, United States Code, is amended by inserting "Board of Patent Appeals and Interferences" in lieu of "Board of Appeals".

SEC. 19. Section 1295(a)(4)(A) of title 28, United States Code, is amended by striking out "Appeals or the Board of Patent" and inserting in lieu thereof "Patent Appeals and".

SEC. 20. Section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182), is amended by striking out "a Board of Patent Interferences" and inserting in lieu thereof "the Board of Patent Appeals and Interferences", and by striking out "the Board of Patent Interferences" and inserting in lieu thereof "the Board of Patent Appeals and Interferences".

SEC. 21. (a) Section 305(d) of the National Aeronautics and Space Act of 1952 (42 U.S.C. 2457(d)) is amended by—

(1) striking out "Patent" in the title and inserting in lieu thereof "Patent Appeals and",

(2) striking out "a Board of Patent Interferences" and inserting in lieu thereof "the Board of Patent Appeals and Interferences", and

(3) striking out "the Board of Patent Interferences" and inserting in lieu thereof "the Board of Patent Appeals and Interferences".

(b) Section 305(e) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(e)) is amended by striking out "a Board of Patent Interferences" and inserting in lieu thereof "the Board of Patent Appeal and Interferences".

SEC. 22. The examiners-in-chief of the Board of Appeals and the examiners of interferences of the Board of Patent Interference on the effective date of this Act shall continue in office as members of the Board of Patent Appeals and Interferences.

SEC. 23. Section 3 of title 35, United States Code, is amended by adding at the end thereof the following:

"(e) The members of the Trademark Trial and Appeal Board of the Patent and Trademark Office shall receive compensation equal to that paid a GS-16 under the General Schedule contained in section 5332 of title 5, United States Code.".

SEC. [12] *24.* (a) Sections [10]*9* and [11]*10* of the Act shall take effect upon the date of enactment.

(b) Sections 1 through 9 *8* of this Act shall take effect [six]*three* months after the date of enactment.

(c) Sections 11 through 23 of this Act shall take effect three months after the date of enactment.

The amendments were agreed to.

The bill was ordered to be engrossed for the third reading, read the third time, and passed.

Mr. DOLE. Mr. President, I ask unanimous consent the committee amendments be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3382

(Purpose: To extend the patent on certain drug products)

Mr. DOLE. Mr. President, I send an amendment to the desk on behalf of Senator Thurmond and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], on behalf of Mr. THURMOND, proposes an amendment numbered 3382.

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Redesignate section 24 as section 25.

Between section 23 and section 25, as redesignated, insert the following new section:

SEC. 24. (a) Title 35 of the United States Code is amended by adding immediately following section 155 the following new section:

"§ 155A. Patent extension.

"(a) Notwithstanding section 154 of this title, the term of any patent which encompasses within its scope a composition of matter which is a new drug product, if such new drug product is subject to the labeling requirements for oral hypoglycemic drugs of the sulfonylurea class as promulgated by the Food and Drug Administration in its final rule of March 22, 1984 (FR Doc. 84-9640) and was approved by the Food and Drug Administration for marketing after promulgation of such final rule and prior to the date of enactment of this law, shall be extended until April 21, 1992.

"(b) The patentee or licensee or authorized representative of any patent described in such subsection (a) shall, within ninety days after the date of enactment of such subsection, notify the Commissioner of Patents and Trademarks of the number of any patent so extended. On receipt of such notice, the Commissioner shall confirm such extension by placing a notice thereof in the official file of such patent and publishing an appropriate notice of such extension in the Official Gazette of the Patent and Trademark Office.".

(b) The table of sections for chapter 14 of title 35, United States Code is amended by adding after the item relating to section 155 the following new item:

"155A. Patent extension.".

Section 25(a) of the bill, as redesignated, is amended by striking out "9 and 10" and inserting in lieu thereof "9, 10, and 24".

Mr. THURMOND. Mr. President, the amendment which I am offering to S. 1538 would provide a limited patent term extension for certain oral antidiabetic drugs.

The drugs affected by this amendment were issued approvable letters by the FDA relating to their safety and effectiveness during the 1970's. Final approval was withheld while the FDA completed its rulemaking procedures

with respect to class labeling for all oral antidiabetic drugs, which were begun in 1970. Despite the best efforts of the patent holders to cooperate and expedite these proceedings, they were not completed until earlier this year. One of the affected companies lost 10 years of patent protection because of these prolonged proceedings and, in the absence of a remedy, would only have 2 years of exclusive marketability left.

This amendment would provide partial relief to the companies affected by the lengthy rulemaking delay by extending their patents until April 21, 1992. This would amount to not more than approximately 6 years of additional patent protection. Thus, the patent holders would enjoy an effective patent life equivalent to that enjoyed by the average drug patent holder.

Mr. President, this provision is similar in its goal to those enacted with respect to aspertame and forane. U.S. patent law is designed to reward inventors for their innovation and investment, and to provide future incentives for research into new areas of technology and medicine. Accordingly, this patent term restoration, like the others, will afford affected parties the normal protections conferred by the patent laws on the drug industry.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3382) was agreed to.

AMENDMENT NO. 3383

(Purpose: To amend the Textile Fiber Products Identification Act and the Wool Products Labeling Act of 1939 to improve the labeling of textile fiber and wool products)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mr. THURMOND and Mr. HOLLINGS, proposes an amendment numbered 3383.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments is as follows:

At the end of the bill insert the following new title:

TITLE—

SEC. . This title may be cited as the "Textile Fiber and Wool Products Identification Improvement Act".

SEC. 2. Subsection (b) of section 4 of the Textile Fiber Products Identification Act (15 U.S.C. 70b(b)) is amended by adding at the end thereof the following new paragraph:

"(5) If it is a textile fiber product processed or manufactured in the United States, it be so identified.".

SEC. 3. Subsection (e) of section 4 of the Textile Fiber Products Identification Act (15 U.S.C. 70b(e)) is amended to read as follows:

"(e) For purposes of this Act, in addition to the textile fiber products contained therein, a package of textile fiber products intended for sale to the ultimate consumer shall be misbranded unless such package has affixed to it a stamp, tag, label, or other means of identification bearing the information required by subsection (b), with respect to such contained textile fiber products, or is transparent to the extent it allows for the clear reading of the stamp, tag, label, or other means of identification on the textile fiber product, or in the case of hoisery items, this section shall not be construed as requiring the affixing to a stamp, tag, label, or other means of identification to each hoisery product contained in a package if (1) such hosiery products are intended for sale to the ultimate consumer in such package, (2) such package has affixed to it a stamp, tag, label, or other means of identification bearing, with respect to the hosiery products contained therein, the information required by subsection (b), and (3) the information on the stamp, tag, label, or other means of identification affixed to such package is equally applicable with respect to each textile fiber product contained therein.".

SEC. 4. Section 5 of the Textile Fiber Products Identification Act (15 U.S.C. 70b) is amended by adding at the end thereof the following new subsections:

"(i) For the purposes of this Act, a textile fiber product shall be considered to be falsely or deceptively advertised in any mail order catalog or mail order promotional material which is used in the direct sale or direct offering for sale of such textile fiber product, unless such textile fiber product description states in a clear and conspicuous manner that such textile fiber product is processed or manufactured in the United States, or imported, or both.

"(j) For purposes of this Act, a textile fiber product shall be misbranded if a stamp, tag, label, or other identification conforming to the requirements of this section is not on or affixed to the inside center of the neck midway between the shoulder seams, or if such product does not contain a neck in the most conspicuous place on the inner side of such product, unless it is on or affixed on the outer side of such product, or in the case of hosiery items on the outer side of such product or package.".

SEC. 5. Paragraph (2) of section 4(a) of the Wool Products Labeling Act of 1939 (15 U.S.C. 68b(a)(2)) is amended by adding at the end thereof the following new subparagraphs:

(D) the name of the country where processed or manufactured.".

SEC. 6. Section 4 of the Wool Products Labeling Act of 1939 (15 U.S.C. 68b) is amended by adding at the end thereof the following new subsections:

"(e) For the purposes of this Act, a wool product shall be considered to be falsely or deceptively advertised in any mail order promotional material which is used in the direct sale or direct offering for sale of such wool product, unless such wool product description states in a clear and conspicuous manner that such wool product is processed or manufactured in the United States, or imported, or both.

"(f) For purposes of this Act, a wool product shall be misbranded if a stamp, tag, label, or other identification conforming to the requirements of this section is not on or affixed to the inside center of the next midway between the shoulder seams, of if such product does not contain a neck in the most conspicious place on the inner side of such product, unless it is on or affixed on the outer side of such product or in the case of hosiery items, on the outer side of such product or package.".

SEC. 7. Section 5 of the Wool Products Labeling Act of 1939 (15 U.S.C. 68c) is amended—

(1) by striking out "Any person" in the first paragraph and inserting in lieu thereof "(a) Any person";

(2) by striking out "Any person" in the second paragraph and inserting in lieu thereof "(b) Any person"; and

(3) by inserting after subsection (b) (as designated by this section) the following new subsection:

"(c) For the purposes of subsections (a) and (b) of this section, any package of wool products intended for sale to the ultimate consumer shall also be considered a wool product and shall have affixed to it a stamp, tag, label, or other means of identification bearing the information required by section 4, with respect to the wool products contained therein unless such package of wool products is transparent to the extent that it allows for the clear reading of the stamp, tag, label, or other means of identification affixed to the wool product, or in the case of hosiery items this section shall not be construed as requiring the affixing of a stamp, tag, label, or other means of identification to each hosiery product contained in a package if (1) such hosiery products are intended for sale to the ultimate consumer in such package, (2) such package has affixed to it a stamp, tag, label, or other means of identification bearing, with respect to the hosiery products contained therein, the information required by subsection (4), and (3) the information on the stamp, tag, label, or other means of identification affixed to such package is eqully applicable with respect to each hosiery product contained therein.".

SEC. 8. The amendments made by this Act shall be effective 90 days after the date of enactment of this Act.

Mr. THURMOND. Mr. President, this amendment pertains to proper labeling of textile/apparel products.

I originally introduced this amendment as S. 1816 in an effort to strengthen domestic law as it relates to country of origin labeling requirements for textile and apparel products. While present law requires country of origin marking on textile products entering the United States, there have been increasing instances where textile and apparel products are entering the United States in violation of domestic labeling laws.

One of the major problems in the effectiveness of existing law is the fact that labels are often placed in inconspicuous places. This bill would designate that the label be attached to the neck of the garment if applicable, or if the garment does not contain a neck, to the most conspicuous place on the inner side of the foreign made textile/apparel product. This will allow easy identification of the label by consumers and will help with enforcement of present textile agreements.

My bill will also require that textile/apparel products produced in this country carry origin labels. Since there is no present law which requires American-made textile and apparel products to be labeled as such, foreign textile/apparel products that are mis-

branded are often mistaken for American-made products.

Another provision of the bill will require that, in the case of bulk packaging of textile products, both the package, as well as the garments within be labeled as to country of origin.

The final major feature of this legislation would mandate that mail order catalog sale descriptions contain country of origin information. A large portion of all textile/apparel products sold in this country are purchased through mail order catalog-type systems. Through these mail order transactions, the consumer does not have access to country of origin information for textile/apparel products at the actual point of purchase.

Reports have shown that U.S. consumers prefer to buy American-made textile products. My legislation will simply allow consumers to better identify the products they wish to purchase.

Mr. President, it is most important for this legislation to be approved by the full Senate and signed into law as soon as possible. The domestic textile, fiber and apparel complex employs over 2 million Americans nationwide. This industry provides more jobs than the U.S. auto and steel industries combined. Unfortunately, the U.S. textile/apparel industry is suffering through its most severe crisis in recent history. Textile/apparel imports from low-wage paying countries, such as the People's Republic of China, Taiwan, and Hong Kong, have flooded our markets and displaced thousands of American workers.

In 1983, imports of textile/apparel products increased 25 percent over 1982. For the first 4 months of 1984, textile/apparel imports were up 49 percent over the same period in 1983. Last year's trade deficit for textiles and apparel was $10.6 billion—15 percent of the entire U.S. trade deficit, which totaled $69.3 billion. Finally, over the past 7 years, 413,000 textile and apparel jobs have been lost in this country. While this legislation will not correct all the problems confronting our domestic textile/apparel industry, it is a positive step toward preserving one of America's most vital and strategically important industries.

Mr. President, S.1816 was unanimously approved by the Senate Commerce, Science, and Transportation Committee on June 13, 1984. I ask unanimous consent that a list displaying the numerous textile/apparel related associations that fully support this bill be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. THURMOND. Before concluding, Mr. President, I should like to thank the 22 Member of this body who chose to cosponsor S.1816. I would also like to especially thank Senators PACKWOOD and KASTEN, and their very capable committee staff members, for their invaluable assistance on this legislation during its review by the Commerce Committee.

In closing, Mr. President, I strongly believe that this bill is a positive step toward stabilizing the jobs of the over 2 million Americans employed in the textile, fiber, and apparel complex, and I hope that the Senate will give this legislation the strong vote of approval which it merits.

EXHIBIT 1

Amalgamated Clothing & Textile Workers Union.
American Apparel Manufacturers Association.
American Textile Manufacturers Institute.
American Yarn Spinners Association.
Clothing Manufacturers Association of America.
International Ladies' Garment Workers Union.
Knitted Textile Association.
Luggage & Leather Goods Manufacturers of America.
Man-Made Fiber Producers Association, Inc.
National Association of Hosiery Manufacturers.
National Association of Uniform Manufacturers.
National Cotton Council of America.
National Knitwear Manufacturers Association.
National Knitwear & Sportswear Association.
National Wool Growers Association.
Neckwear Association of America.
Northern Textile Association.
Textile Distributors Association, Inc.
Work Glove Manufacturers Association.

Mr. HOLLINGS. Mr. President, as a cosponsor of the original S. 1816 and this amendment, I hope the Senate will give swift approval to this legislation. Perhaps then President Reagan will begin to understand the depth of concern over what is happening to America's textile apparel industry and its workers. Perhaps then President Reagan will begin to carry out candidate Reagan's 1980 pledge to help our Nation's textile workers. If this legislation, which I was pleased to help expedite through the Commerce Committee, manages to win the attention of the administration, it will be one giant step for our beleaguered textile and apparel workers.

Unfortunately, this amendment does not come close to getting at the nub of the problem. In fact, we already have origin labeling requirements on the books in existing tariff legislation. But our President has chosen to ignore them. When we talk about "buy American and save American jobs," I get a feeling of having been there before, because that is exactly the problem we addressed 25 years ago when Congress passed the Textile Fiber Products Identification Act. The requirements contained in that legislation—while they do not go quite so far in all instances as the provisions of S. 1816—would, if enforced, obviate the need for S. 1816. The point is that the President is refusing to use the weapons Congress has already given him to combat the illegal trade practices of our foreign competition and to level the field of play. He does so because he is captive to a thoroughly discredited "free trade" policy coming from the State Department and from the huge multinational conglomerates who could not care less about American jobs.

If this administration—or for that matter any recent administration—was serious about saving textile jobs, it could start by enforcing existing laws against mislabeling, against dumping, and against the many other illegal trade practices being used against the United States.

The problem is that we do not have trade policy in this country. There's a trade war going on out there and our Government sits blithely in the bleachers—watching. Instead of competing, we stand by as our industries and jobs get picked off. Other countries are using every weapon at their command—subsidies, licensing requirements, tax rebates, inspection practices, artificial currency rates, and so on to close their markets to us while we open our markets to them. Is it any wonder we are not doing better? And the President has recently had his trade people up here talking to Senators and Congressmen in an attempt to broaden the President's tariff-cutting authority so we can export more jobs. It is just unbelievable.

In 1980, candidate Ronald Reagan made a commitment to relate the growth of textile imports to the growth of the domestic market. The figures show he has reneged on that promise. Our textile apparel trade deficit has more than doubled in the 3 years of this administration, soaring from $4 billion in 1980 to $10.6 billion in 1983. And the situation is rapidly getting worse. So far this year, textile-apparel imports are running more than 45 percent ahead of last year. Just this spring, three more mills were shut down in South Carolina alone.

There is no secret to how we should control the textile import tide. A President who understood trade and the threat to American jobs could stem the flow in short order. First, he would suggest global quotas, setting a limit on what we allow into our market. Second, he would enforce the laws already on the books to safeguard against dumping and all those other illegal trade practices.

The amendment before us today does not take that approach. Frankly, I am concerned that when this measure passes, it will serve no greater purpose than to give politicians cause to thump our chests and carry on about how we've done something great for the textile industry. But let us not kid ourselves. Even if we are fortunate enough to get it passed, signed, and on the books, it will not markedly slow the rising tide of textile and apparel imports. Because chances are the President will simply ignore this label-

ing law just as he has ignored the other labeling laws already passed.

Mr. President, the American textile worker is the most productive in the world. American mills are the most modern. We can compete not only in the home market, but overseas—if the field of trade is level and fair. But our Government refuses to lend a hand. That is why textile jobs are needlessly disappearing—not because of mislabling, but because of misgovernment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3383) was agreed to.

AMENDMENT NO. 3384

(Purpose: To make technical amendments)

Mr. DOLE. Mr. President, I send a technical amendment to the desk, on behalf of Mr. MATHIAS.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE), for Mr. MATHIAS, proposes an amendment numbered 3384.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. (Mr. RUDMAN). Without objection, it is so ordered.

The amendment is as follows:

Section 156(a) of such title 35, United States Code, as added by section 2(a) of the bill is amended in the first sentence by striking out "registration" after "statutory invention" and inserting in lieu thereof "recording",

Section 156(c) of such title 35, as added by section 2(a) is amended by striking out the final quotation marks and final period.

Section 156 of such title 35 is further amended by adding at the end thereof the following new subsection:

"(d) The secretary of Commerce shall convene an interagency committee to coordinate policy on the use of the statutory invention recording prpcedure by agencies of the United States. Such policy shall ordinarily require use of the statutroy invention recording procedure for inventions as to which the United States may have the right of ownership that do not have commercial potential. The interagency committee shall also, after obtaining views from the public, establish standards for evaluating the commercial potential of inventions to which the government may have the right of ownership. The head of each agency which has a significant research program (as determined by the Secretary of Commerce) shall designate either the senior technology transfer official or the senior research policy official to participate as a member of the interagency committee. The Secretary of Commerce shall report to the Congress annually on the use of statutory invention recordings. Such report shall include an assessment of the degree to which agencies of the Federal Government are making use of the statutory invention recording system, the degree to which it aids the management of federally developed techoniogy, and an assessement of the cost savings to the Federal Government of the use of such procedures.".

Strike out section 2 (c) of the bill.

Section 21 (a) of the bill is amended by striking out paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3384) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1538

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

TITLE I—PATENT LAW

SEC. 101. This title may be cited as the "Patent Law Amendments of 1984".

SEC. 102. (a) Chapter 14 of title 35, United States Code, is amended by adding at the end thereof the following new section:

"§ 156. Statutory invention recording

"(a) Notwithstanding any other provisions of this title, the Commissioner is authorized to publish a statutory invention recording containing the specification and drawings of a regularly filed application for a patent without examination, except as may be required to conduct an interference proceeding, to determine compliance with section 112 of this title, or to review for formalities required for printing, if the applicant—

"(1) waives the right to receive a patent on the invention within such period as may be prescribed by the Commissioner, and

"(2) pays application, publication and other processing fees Commissioner.

"(b) The waiver under this section shall take effect upon publication of the statutory invention recording.

"(c) A statutory invention recording published pursuant to this section shall have all of the attributes specified for patents in this title except those specified in section 183, and sections 271 through 289 of this title. A statutory invention recording shall not have any of the attributes specified for patents in any other title of this Code.

"(d) The Secretary of Commerce shall convene an interagency committee to coordinate policy on the use of the statutory invention recording procedure by agencies of the United States. Such policy shall ordinarily require use of the statutory invention recording procedure for inventions as to which the United States may have the right of ownership that do not have commercial potential. The interagency committee shall also, after obtaining views from the public, establish standards for evaluating the commercial potential of inventions to which the government may have the right of ownership. The head of each agency which has a significant research program (as determined by the Secretary of Commerce) shall designate either the senior technology transfer official or the senior research policy official to participate as a member of the interagency committee. The Secretary of Commerce shall report to the Congress annually on the use of statutory invention recordings. Such report shall include an assessment of the degree to which agencies of the Federal Government are making use of the statutory invention recording system, the degree to which it aids the management of federally developed technology, and an assessment of the cost savings to the Federal Government of the use of such procedures".

SEC. 103. Section 134 of title 35, United States Code, is amended by striking out "primary".

SEC. 104. Section 361(d) of title 35, United States Code, is amended by inserting "or within one month after such date" after "application" in the first sentence.

(b) The analysis for chapter 14 of title 35, United States Code, is amended by adding at the end the following:

SEC. 105. Section 366 of title 35, United States Code, is amended—

(1) by inserting "after the date of withdrawal," after "effect";

(2) by inserting ", unless a claim for the benefit of a prior filing date under section 365(c) of this part was made in a national application, or an international application designating the United States, filed before the date of such withdrawal" before the period at the end of the first sentence; and

(3) by inserting "withdrawn" after "such" in the second sentence.

SEC. 106. (a) Section 371(a) of title 35, United States Code, is amended by—

(1) striking out "is" and inserting in lieu thereof "may be"; and

(2) striking out ", except those filed in the Patent Office".

(b) Section 371(b) of title 35, United States Code, is amended to read as follows:

"(b) Subject to subsection (f) of this section, the national stage shall commence with the expiration of the applicable time limit under article 22 (1) or (2) of the treaty.".

(c) Section 371(c)(2) of title 35, United States Code, is amended by—

(1) striking out "received from" and inserting in lieu thereof "communicated by"; and

(2) striking out "verified" before "translation".

(d) Section 371(d) of title 35, United States Code, is amended to read as follows:

"(d) The requirements with respect to the national fee referred to in subsection (c)(1), the translation referred to in subsection (c)(2), and the oath or declaration referred to in subsection (c)(4) of this section shall be complied with by the date of the commencement of the national stage or by such later time as may be fixed by the Commissioner. The copy of the international application referred to in subsection (c)(2) shall be submitted by the date of the commencement of the national stage. Failure to comply with these requirements shall be regarded as abandonment of the application by the parties thereof, unless it be shown to the satisfaction of the Commissioner that such failure to comply was unavoidable. The payment of a surcharge may be required as a condition of accepting the national fee referred to in subsection (c)(1) or the oath or declaration referred to in subsection (c)(4) of this section if these requirements are not met by the date of the commencement of the national stage. The requirements of subsection (c)(3) of this section shall be complied with by the date of the commencement of the national stage, and failure to do so shall be regarded as a cancellation of the amendments to the claims in the international application made under article 19 of the treaty.".

SEC. 107. (a) Secion 372(b) of title 35, United States Code, is amended by—

(1) striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon; and

(2) inserting at the end thereof the following:

"(3) the Commissioner may require a verification of the translation of the international application or any other document pertaining thereto if the application or

other document was filed in a language other than English.".

(b) Section 372 of title 35, United States Code, is amended by deleting subsection (c).

SEC. 108. Section 376(a) of title 35, United States Code, is amended by striking out paragraph (5) and redesignating paragraph (6) as paragraph (5).

SEC. 109. Title 35, United States Code, is amended by striking out "Patent Office" each place it appears and inserting in lieu thereof "Patent and Trademark Office".

SEC 110. Notwithstanding section 2 of Public Law 96-517, no fee shall be collected for maintaining a plant patent in force.

SEC. 111. (a) Section 7 of title 35, United States Code, is amended to read as follows:

"§ 7. Board of Patent Appeals and Interferences

"The examiners-in-chief shall be persons of competent legal knowledge and scientific ability, who shall be appointed under the classified civil service. The Commissioner, the deputy commissioner, the assistant commissioners, and the examiners-in-chief shall constitute a Board of Patent Appeals and Interferences.

"The Board of Patent Appeals and Interferences shall, on written appeal of an applicant, review adverse decisions of examiners upon applications for patents and shall determine priority and patentability of invention in interferences declared pursuant to section 135(a) of this title. Each appeal and interference shall be heard by at least three members of the Board of Patent Appeals and Interferences, the members to be designated by the Commissioner. The Board of Patent Appeals and Interferences has sole power to grant rehearings.

"Whenever the Commissioner considers it necessary to maintain the work of the Board of Patent Appeals and Interferences current, he may designate any patent examiner of the primary examiner grade or higher, having the requisite ability, to serve as examiner-in-chief for periods not exceeding six months each. An examiner so designated shall be qualified to act as a member of the Board of Patent Appeals and Interferences. Not more than one such primary examiner shall be a member of the Board of Patent Appeals and Interferences hearing an appeal or determining an interference. The Secretary of Commerce is authorized to fix the per annum rate of basic compensation of each designated examiner-in-chief in the Patent and Trademark Office at not in excess of the maximum schedule rate provided for positions at GS-16 pursuant to section 5332 of title 5, United States Code. The per annum rate of basic compensation of each designated examiner-in-chief shall be adjusted, at the close of the period for which he was designated to act as examiner-in-chief, to the per annum rate of basic compensation which he would have been receiving at the close of such period if such designation had not been made.".

(b) The item relating to section 7 in the analysis for chapter 1 of title 35, United States Code, is amended by inserting "Board of Patent Appeals and Interferences" in lieu of "Board of Appeals".

SEC. 112. Section 41(a)(6) of title 35, United States Code, is amended by inserting "Board of Patent Appeals and Interferences" in lieu of "Board of Appeals", each place it appears and inserting "in the appeal" after "oral hearing".

SEC. 113. (a) Section 134 of title 35, United States Code, including the section heading, is amended by inserting "Board of Patent Appeals and Interferences" in lieu of "Board of Appeals" each place it appears.

(b) The item relating to section 134 in the analysis for chapter 12 of title 35, United States Code, is amended by inserting "Board of Patent Appeals and Interferences" in lieu of "Board of Appeals".

SEC. 114. (a) Section 135(a) of title 35, United States Code, is amended to read as follows:

"(a) Whenever an application is made for a patent which, in the opinion of the Commissioner, would interfere with any pending application, or with any unexpired patent, an interference may be declared and the Commissioner shall give notice thereof to the applicants, or applicant and patentee, as the case may be. The Board of Patent Appeals and Interferences shall determine the priority and patentability of invention in interferences. Any final decision, if adverse to the claim of an applicant, shall constitute the final refusal by the Patent and Trademark Office of the claims involved, and the Commissioner may issue a patent to the applicant who is adjudged the prior inventor. A final judgment adverse to a patentee from which no appeal or other review has been or can be taken or had shall constitute cancellation of the claims of the patent, and notice thereof shall be endorsed on copies of the patent thereafter distributed by the Patent and Trademark Office.".

(b) Section 135(b) of title 35, United States Code, is amended by striking out "may" and inserting in lieu thereof "shall".

SEC. 115. Section 141 of title 35, United States Code, is amended to read as follows:

"§ 141. Appeal to court of appeals for the Federal circuit

"An applicant dissatisfied with the decision in an appeal to the Board of Patent Appeals and Interferences under section 134 of this title may appeal to the United States Court of Appeals for the Federal Circuit, thereby waiving his right to proceed under section 145 of this title. A party to an interference dissatisfied with the decision of the Board of Patent Appeals and Interferences may appeal to the United States Court of Appeals for the Federal Circuit, but such appeal shall be dismissed if any adverse party to such interference, within twenty days after the appellant has filed notice of appeal according to section 142 of this title, files notice with the Commissioner that he elects to have all further proceedings conducted as provided in section 146 of this title. Thereupon the appellant shall have thirty days thereafter within which to file a civil action under section 146, in default of which the decision appealed from shall govern the further; proceedings in the case.".

SEC. 116. Section 145 of title 35, United States Code, is amended—

(1) by inserting "Board of Patent Appeals and Interferences in an appeal under section 134 of this title" in lieu of "Board of Appeals" in the first sentence; and

(2) by inserting "Board of Patent Appeals and Interferences" in lieu of "Board of Appeals" in the second sentence.

SEC. 117. Section 146 of title 35, United States Code, is amended by striking "board of patent interferences on the question of priority" and inserting in lieu thereof "Board of Patent Appeals and Interferences".

SEC. 118. Section 305 of title 35, United States Code, is amended by inserting "Board of Patent Appeals and Interferences" in lieu of "Board of Appeals".

SEC. 119. Section 1295(a)(4)(A) of title 28, United States Code, is amended by striking out "Appeals or the Board of Patent" and inserting in lieu thereof "Patent Appeals and".

SEC. 120. Section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182), is amended by striking out "a Board of Patent Interferences" and inserting in lieu thereof "the Board of Patent Appeals and Interferences", and by striking out "the Board of Patent Interferences" and inserting in lieu thereof "the Board of Patent Appeals and Interferences".

SEC. 121. (a) Section 305(d) of the National Aeronautics and Space Act of 1952 (42 U.S.C. 2457(d)) is amended by—

(1) striking out "a Board of Patent Interferences" and inserting in lieu thereof " the Board of Patent Appeals and Interferences", and

(2) striking out "the Board of Patent Interferences" and inserting in lieu thereof "the Board of Patent Appeals and Interferences".

(b) Section 305(e) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(e)) is amended by striking out "a Board of Patent Interferences" and inserting in lieu thereof "the Board of Patent Appeals and Interferences".

SEC. 122. The examiners-in-chief of the Board of Appeals and the examiners of interferences of the Board of Patent Interferences on the effective date of this Act shall continue in office as members of the Board of Patent Appeals and Interferences.

SEC. 123. Section 3 of title 35, United States Code, is amended by adding at the end thereof the following:

"(e) The members of the Trademark Trial and Appeal Board of the Patent and Tradmark Office shall receive compensation equal to that paid at GS-16 under the General Schedule contained in section 5332 of title 5, United States Code.".

SEC. 124. (a) Title 35 of the United States Code is amended by adding immediately following section 155 the following new section:

"§ 155A. Patent extension.

"(a) Notwithstanding section 154 of this title, the term of any patent which encompasses within its scope a composition of matter which is a new drug product, if such new drug product is subject to the labeling requirements for oral hypoglycemic drugs of the sulfonylurea class as promulgated by the Food and Drug Administration in its final rule of March 22, 1984 (FR Doc. 84-9640) and was approved by the Food and Drug Administration for marketing after promulgation of such final rule and prior to the date of enactment of this law, shall be extended until April 21, 1992.

"(b) The patentee or licensee or authorized representative of any patent described in such subsection (a) shall, within ninety days after the date of enactment of such subsection, notify the Commissioner of Patents and Trademarks of the number of any patent so extended. On receipt of such notice, the Commissioner shall confirm such extension by placing a notice thereof, in the official file of such patent and publishing an appropriate notice of such extension in the official Gazette of the Patent and Trademark office.".

(b) The table of sections for chapter 14 of title 35, United States Code is amended by adding after the item relating to section 155 the following new item:

"155A. Patent extension.".

SEC. 125. (a) Sections 109, 110, and 124 of this Act shall take effect upon the date of enactment.

(b) Sections 101 through 108 of this Act shall take effect three months after the date of enactment.

(c) Sections 111 through 123 of this Act shall take effect three months after the date of enactment.

TITLE II—TEXTILE FIBER AND WOOL PRODUCTS IDENTIFICATION IMPROVEMENT ACT

SEC. 201. This title may be cited as the "Textile Fiber and Wool Products Identification Improvement Act".

SEC. 202. Subsection (b) of section 4 of the Textile Fiber Products Identification Act (15 U.S.C. 70b(b)) is amended by adding at the end thereof the following new paragraph:

"(5) If it is a textile fiber product processed or manufactured in the United States, it be so identified.".

SEC. 203. Subsection (e) of section 4 of the Textile Fiber Products Identification Act (15 U.S.C. 70b(e)) is amended to read as follows:

"(e) For purposes of this Act, in addition to the textile fiber products contained therein, a package of textile fiber products intended for sale to the ultimate consumer shall be misbranded unless such package has affixed to it a stamp, tag, label, or other means of identification bearing the information required by subsection (b), with respect to such contained textile fiber products, or is transparent to the extent it allows for the clear reading of the stamp, tag, label, or other means of identification on the textile fiber product, or in the case of hosiery items, this section shall not be construed as requiring the affixing of a stamp, tag, label, or other means of identification to each hosiery product contained in a package if (1) such hosiery products are intended for sale to the ultimate consumer in such package, (2) such package has affixed to it a stamp, tag, label, or other means of identification bearing, with respect to the hosiery products contained therein, the information required by subsection (b), and (3) the information on the stamp, tag, label, or other means of identification affixed to such package is equally applicable with respect to each textile fiber product contained therein.".

SEC. 204. Section 4 of the Textile Fiber Products Identification Act (15 U.S.C. 70b) is amended by adding at the end thereof the following new subsections:

"(i) For the purposes of this Act, a textile fiber product shall be considered to be falsely or deceptively advertised in any mail order catalog or mail order promotional material which is used in the direct sale or direct offering for sale of such textile fiber product, unless such textile fiber product description states in a clear and conspicuous manner that such textile fiber product is processed or manufactured in the United States, or imported, or both.

"(j) For purposes of this Act, a textile fiber product shall be misbranded if a stamp, tag, label, or other identification conforming to the requirements of this section is not on or affixed to the inside center of the neck midway between the shoulder seams, or if such product does not contain a neck in the most conspicuous place on the inner side of such product, unless it is on or affixed on the outer side of such product, or in the case of hosiery items on the outer sider of such product or package.".

SEC. 205. Paragraph (2) of section 4(a) of the Wool Products Labeling Act of 1939 (15 U.S.C. 68b(a)(2)) is amended by adding at the end thereof the following new subparagraphs:

"(D) the name of the country where processed or manufactured.".

SEC. 206. Section 4 of the Wool Products Labeling Act of 1939 (15 U.S.C. 68b) is amended by adding at the end thereof the following new subsections:

"(e) For the purposes of this Act, a wool product shall be considered to be falsely or deceptively advertised in any mail order promotional material which is used in the direct sale or direct offering for sale of such wool product, unless such wool product description states in a clear and conspicuous manner that such wool product is processed or manufactured in the United States, or imported, or both.

"(f) For purposes of this Act, a wool product shall be misbranded if a stamp, tag, label, or other identification conforming to the requirements of this section is not on or affixed to the inside center of the next midway between the shoulder seams, or if such product does not contain a neck in the most conspicuous place on the inner side of such product, unless it is on or affixed on the outer side of such product or in the case of hosiery items, on the outer side of such product or package.".

SEC. 207. Section 5 of the Wool Products Labeling Act of 1939 (15 U.S.C. 68c) is amended—

(1) by striking out "Any person" in the first paragraph and inserting in lieu thereof "(a) Any person";

(2) by striking out "Any person" in the second paragraph and inserting in lieu thereof "(b) Any person"; and

(3) by inserting after subsection (b) (as designated by this section) the following new subsection;

"(c) For the purposes of subsections (a) and (b) of this section, any package of wool products intended for sale to the ultimate consumer shall also be considered a wool product and shall have affixed to it a stamp, tag, label, or other means of identification bearing the information required by section 4, with respect to the wool products contained therein, unless such package of wool products is transparent to the extent that it allows for the clear reading of the stamp, tag, label, or other means of identification affixed to the wool product, or in the case of hosiery items this section shall not be construed as requiring the affixing of a stamp, tag, label, or other means of identification to each hosiery product contained in a package if (1) such hosiery products are intended for sale to the ultimate consumer in such package, (2) such package has affixed to it a stamp, tag, label, or other means of identification bearing, with respect to the hosiery products contained therein, the information required by subsection (4), and (3) the information on the stamp, tag, label, or other means of identification affixed to such package is equally applicable with respect to each hosiery product contained therein.".

SEC. 208. The amendments made by this Act shall be effective 90 days after the date of enactment of this Act.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. LONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.