

then-lead attorney, Richard Cullen, advised that the 45-day investigative period began that day.

During the week of May 19, with the concurrence of committee Democrats, Chairman WARNER issued over 130 subpoenas to Louisiana election officials. The vast majority of the subpoenas were answered in a timely manner.

On May 30, 1997, again with concurrence of committee Democrats, Chairman WARNER issued subpoenas to political committees affiliated with both Senator LANDRIEU and Mr. Jenkins. Senator LANDRIEU delivered her documents on June 3, the deadline for delivery in New Orleans, but Mr. Jenkins—despite having months to prepare documents in support of a case brought at his behest—sought and received an extension until Monday, June 9.

Meanwhile, GAO evaluators detailed to the committee had begun work on June 2, 1997, reviewing petitioner's allegations of the existence of more than 7,400 so-called phantom votes in the November 1996 Louisiana senate election. Included in the materials Mr. Jenkins submitted on June 9 was a substantial revision of the phantom vote totals downward to just over 5,700 votes—less than the margin of difference in the November election. Nevertheless, Mr. Jenkins continued to express the belief that upon further scrutiny, the election records would yield enough phantom votes to more than make up the difference. As has been widely reported, we now know from the GAO evaluators detailed to the committee that this is not true. In fact, GAO detailees have concluded that further investigation of the allegations they have reviewed to date would be unwarranted.

Back in New Orleans, investigators were interviewing individuals named in the unredacted materials finally provided to the committee by Mr. Jenkins on June 9. Within a week, a disturbing pattern emerged. Not only were the allegations of fraud untrue, the witnesses revealed that they had been paid by agents of the petitioner to tell their stories.

Subsequently, on June 20, committee investigators discovered that at least one of these witnesses had been threatened, by agents of Mr. Jenkins, and told to reaffirm their original stories of fraud. For his part, Mr. Jenkins denies paying any witness and claims no knowledge of any payments by his agents for testimony.

Once I learned that the only evidence of election fraud in this matter was clearly false and purchased by agents of Mr. Jenkins, I decided that I could not, in good conscience, continue Democratic participation in the joint investigation. On June 23 I advised Chairman WARNER of my concerns. On June 25, the committee Democrats announced our withdrawal from the investigation.

On that same day, June 25, I asked the U.S. Department of Justice to investigate whether the witnesses were

threatened in violation of Federal law, 18 U.S.C. § 1505, which prohibits obstruction of a Senate investigation.

It is my understanding that Chairman WARNER subsequently made a similar referral to the Republican district attorney for East Baton Rouge Parish, Mr. Doug Moreau, who has scheduled interviews with both the witnesses and the agents of Mr. Jenkins who allegedly paid them to lie. According to press reports, Mr. Moreau and his staff are also currently reviewing allegations that poll workers may not have followed the Louisiana Election Code to the letter. Mr. Jenkins has said that he supports these parallel investigations, but believes that the Rules Committee should continue its probe as well.

I should add that when committee staff and the two teams of outside counsel met with Mr. Moreau on May 13, he advised them that his office had neither the resources nor the expertise to conduct a full-scale investigation of alleged election fraud that may have occurred in the 1996 Senate election. Mr. Moreau was also reluctant to state unequivocally that his office, located in Baton Rouge, had jurisdiction over alleged criminal activity in New Orleans Parish. And yet, that is exactly what Chairman WARNER has requested Mr. Moreau to investigate.

Based upon the review of evidence to date, it is unfair for petitioner or anyone else to claim that Democrats want to kill this probe prematurely. This case has consumed over 7 months, hundreds of thousands of dollars—not to mention hundreds of thousands more in the parties' legal fees, a portion of which they are customarily reimbursed by the Senate—and countless hours of staff time. After all this expenditure, the investigation has produced no evidence—none at all—that would support continued investigation, let alone action by the Senate to overturn the election.

Finally, in the interest of fairness I believe we should remember our colleague Senator LANDRIEU, who has faithfully continued serving the people of Louisiana while patiently enduring countless allegations and months of uncertainty in order for the Rules Committee to pursue each and every one of Mr. Jenkins' charges—none of which have produced a shred of credible evidence.

As has been widely reported, I am currently involved in negotiations with Chairman WARNER and other members of his caucus regarding the appropriate way to close this investigation in an orderly fashion. Whatever resolution we reach on this issue should, in my opinion, first, acknowledge that the investigation to date has produced no evidence of any fraud, error, or irregularity in the 1996 Louisiana Senate election, and second, set a fixed, firm date on which the Rules Committee will meet to vote on whether to termi-

nate the investigation and dismiss the petition of Mr. Jenkins.

I join my entire Caucus in expressing our full and complete support for our colleague, Senator MARY LANDRIEU, and call on Chairman WARNER and members of the majority to end this investigation and remove the unjustified cloud of doubt overshadowing Senator LANDRIEU and the elected officials and good people of Louisiana.

THE OMNIBUS PATENT ACT OF 1997

Mr. LEAHY. Mr. President, I am delighted that the report is finally available for S. 507, The Omnibus Patent Act of 1997. The Senate Judiciary Committee voted 17 to 1 in favor of a Hatch-Leahy substitute to this bill on May 22. I urge all Members to take the time to learn about this legislation, which is designed to assist American innovation.

The Omnibus Patent Act would reform the U.S. patent system in important ways. The bill would:

- Reduce legal fees that are paid by inventors and companies;
- Slash redtape in the Patent and Trademark Office;
- Increase the value of patents to inventors and companies; and
- Facilitate U.S. inventors and companies' research, development, and commercialization of inventions.

In Vermont, we have a wide variety of independent inventors and small companies. It is especially important to me that this bill help them as well as larger, more specialized firms. I have spoken with independent inventors and representatives of smaller companies to learn what reforms they recommended. I have tried to ensure that their recommendations were incorporated into the Hatch-Leahy substitute amendment that was reported by the Judiciary Committee.

I am especially gratified that the Hatch-Leahy substitute responds to the concerns of independent inventors and small businesses concerning the matter of 18-month publication. These concerns were articulated at the Senate Judiciary Committee hearing by the president of the Vermont Inventors Association, Bill Parker. Mr. Parker suggested giving applicants who only file in the United States a choice whether or not to publish early. He also recommended that we enhance the protections granted to those who choose 18-month publication if we wish to encourage them to take that course.

The substitute does both of these things. In particular, it allows any applicant to avoid publication before the granting of the patent simply by making such a request upon filing the application and by certifying that the application has not—and will not—be published abroad. The substitute also provides for the issuance of patents on individual claims in published applications as they are approved, rather than waiting for the disposition of all claims contained in such an application, as

now occurs. This allows applicants to gain full patent protection—including reasonable royalties, damages, and attorneys fees when appropriate—for some of their component inventions earlier than they would have under the original draft of the bill.

I was also concerned that, as introduced, the bill did not adequately protect an applicant who is diligently prosecuting a patent but whose application takes more than 3 years to process. The ability to have a full 17 years of patent protection is important to small and large patent applicants alike. The Hatch-Leahy substitute makes clear that an applicant who diligently prosecutes a patent application before the PTO should receive a full 17 years of patent protection.

Another matter of special importance to me is the section I suggested be added in the Hatch-Leahy substitute to enhance access to patent information. I have long thought that electronic access should be more widespread, and I want to work with the Patent and Trademark Office to ensure the effective implementation of state-wide electronic accessibility of patent information in rural States and eventually in all areas to make it easier for inventors to study prior art and make further advances. This should be of particular benefit to Vermont, which is only now getting a patent and trademark depository library.

Although the goal of the reexamination provisions—reducing legal bills for patent applicants—was laudable, I was concerned that the legislation protect again harassment by third parties. The Hatch-Leahy substitute enhances protection against harassment by strengthening the estoppel provisions, to prevent a party from raising an issue that was raised or could have been raised in one forum from raising it in some other forum thereafter. In this way, the reexamination provision in the Hatch-Leahy substitute will provide an alternative to the current costly and time-consuming process of Federal litigation and, at the same time, protect patent applicants against undue harassment.

I am also glad that the substitute amendment clarifies that it is not the Senate Judiciary Committee's intent to undercut the Copyright Office in any way. The Copyright Office has served this country well for over a hundred years, and it should continue in that role.

Vermont has a great tradition of "Yankee ingenuity." In fact, the very first U.S. patent was granted to Samuel Hopkins, a native of Pittsford, VT, who discovered a process for making potash. Today's inventors can be much like the inventors of Thomas Jefferson's day—individuals in a shop, garage, or home lab. They can also be teams of scientists working in our largest corporations or at our colleges and universities. Our Nation's patent laws should be fair to American innovators of all kinds—independent inventors,

small businesses, venture capitalists, and larger corporations. To maintain America's preeminence in the realm of technology, which dates back to the birth of this republic, we need to modernize our patent system and patent office. Our inventors know this and that is why they support this legislation.

I am delighted that our Democratic leader, Senator DASCHLE, has joined as a cosponsor of this important legislation. I urge the Republican leadership to proceed to Senate consideration of S. 507 without delay.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 748. An act to amend the prohibition of title 18, United States Code, against financial transactions with terrorists.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2544. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report of a rule relative to prescribed rates for tax purposes, received on July 17, 1997; to the Committee on Finance.

EC-2545. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to finances under the Treasury Forfeiture Act of 1992 for fiscal year 1996; to the Committee on Finance.

EC-2546. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report of a rule relative to extraordinary dividends (RIN1545-AU16), received on July 15, 1997; to the Committee on Finance.

EC-2547. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Child Support Enforcement 20th Annual Report to Congress under the Social Security Act; to the Committee on Finance.

EC-2548. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report of a rule relative to electronic funds transfer (RIN1545-AS79), received on July 11, 1997; to the Committee on Finance.

EC-2549. A communication from the Chief, Regulations Unit, Internal Revenue Service,

Department of the Treasury, transmitting, pursuant to law, a report of a rule relative to the electronic remittance processing system, received on July 11, 1997; to the Committee on Finance.

EC-2550. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report of a rule relative to guidance relating to waiver of penalties, received on July 11, 1997; to the Committee on Finance.

EC-2551. A communication from the Director, Regulations Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a report of a rule relative to medical devices (RIN0910-AA09), received on July 21, 1997; to the Committee on Labor and Human Resources.

EC-2552. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a violation of the Anitdeficiency Act; to the Committee on Appropriations.

EC-2553. A communication from the Director, Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a rule relative to radiological criteria, received on July 21, 1997; to the Committee on Environment and Public Works.

EC-2554. A communication from the Acting Executive Director, U.S. Commodity Futures Trading Commission, transmitting, pursuant to law, a report of a rule relative to use of electronic media by commodity pool operators, received on July 21, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2555. A communication from the Acting General Counsel, Department of Energy, transmitting, pursuant to law, two rules including one relative to contract reform initiative (RIN1991-AB28), received on July 21, 1997; to the Committee on Energy and Natural Resources.

EC-2556. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation relative to the Wild and Scenic Rivers Act; to the Committee on Energy and Natural Resources.

EC-2557. A communication from the Secretary, U.S. Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to Gateway Housing Program; to the Committee on Banking, Housing, and Urban Affairs.

EC-2558. A communication from the Managing Director, Federal Housing Finance Board, transmitting, pursuant to law, a report of a rule entitled "Procedure For Imposing Assessments on the FHLBanks" (RIN3069-AA51), received on July 21, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-2559. A communication from the Secretary of Defense, transmitting, pursuant to law, a notice of authorization of a contract for the H-60 program; to the Committee on Armed Services.

EC-2560. A communication from the Secretary of Defense, transmitting, notice of retirement; to the Committee on Armed Services.

EC-2561. A communication from the Assistant Secretary of the Navy, Department of the Navy, transmitting, a notification of a study for private contractors; to the Committee on Armed Services.

EC-2562. A communication from the Secretary of Defense, transmitting, a notice of retirement; to the Committee on Armed Services.

EC-2563. A communication from the Secretary of Defense, transmitting, a notice of retirement; to the Committee on Armed Services.