Amendment to the America Invents Act, H.R. 1249.

Specifically, I am troubled by language in the amendment that would weaken the ability of the U.S. Patent and Trademark Office to retain the fees it collects from inventors for use in improving the patent application process. As noted by the Judiciary Committee, Section 22 of the underlying bill would establish a revolving fund at Treasury to collect all user fees from USPTO and restrict their use to only funding USPTO activities. This provision is unnecessary because Congress has habitually underfunded the Patent Office, siphoning more than $875 million over the past two decades from fees collected from inventors to fund other discretionary programs. This fee diversion has severely hampered the ability of USPTO to promptly process patent applications, leading to a current backlog of 1.2 million applications and an average pendency time of 3 years.

This is entirely unacceptable and a direct result of our decision not to provide full funding to the USPTO. Delays in processing patent applications drive up the costs and risks for inventors, harm our nation’s global competitiveness, and literally stall the creation of jobs.

While I appreciate the efforts of Director Kappos over the past two years to reduce this backlog, USPTO has not been fully successful in this goal unless they are provided with the proper resources...resources, remember, they collect from the users of Patent Office services.

That is why I have concerns about a provision in the manager's amendment that would undermine this dedicated funding source, instead leaving USPTO funding up to annual appropriations.

While the amendment creates a specific fund for USPTO fees and contains promises that this funding will be made available only for activities at the patent office, there is no guarantee this pledge will be honored in subsequent Congresses.

I am concerned this modified language does not give USPTO the predictability in funding and access to fees that are necessary to ensure it best serves the innovation community.

Now, I understand USPTO has reluctantly agreed to support this compromise language, and I therefore plan to support the Manager's Amendment.

But we cannot let jurisdictional concerns here in Congress undermine the efficient functioning of the patent process. I encourage my colleagues to support the Manager's Amendment as a necessary component to move this legislation forward, but I plan to remain vigilant on this matter to ensure the promises made in this Manager's Amendment are kept and that USPTO has ready access to the fees it collects.

SHENANDOAH NATIONAL PARK RESOLUTION

HON. BOB GOODLATTE OF VIRGINIA IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. GOODLATTE. Mr. Speaker, I rise today to introduce a resolution celebrating the 75th anniversary of the Shenandoah National Park.

The Shenandoah National Park is the crown jewel of Virginia’s natural resources. Through the Shenandoah National Park, I believe that we have preserved a vast, beautiful piece of land for the enjoyment of American families. Additionally, Shenandoah National Park is an exemplary example of the efforts of the United States Government and the Commonwealth of Virginia in preserving our country's natural resources.

Shenandoah National Park has a rich history and showcases the conservation work of the Civilian Conservation Corps (CCC). The park has been committed to adhering to these principles of stewardship and conservation, and thus allowing the CCC to inspire many generations of Americans.

Additionally, Shenandoah National Park is the home of Skyline Drive, one of America's treasured byways. Skyline Drive winds along the crest of the Blue Ridge Mountains for 105 miles in the Shenandoah National Park. The 75 overlooks along the route afford travelers extraordinary vistas of the Shenandoah Valley and the Piedmont region in Virginia. No other road in the northeast provides access to 80,000 acres of wilderness.

What the Park’s visitors take away from their visit to Shenandoah National Park and their drive along Skyline Drive is that the hills and valleys are directly connected to the character and aesthetics of the Park and its neighboring cities, towns, and counties. By conserving our natural resources, Shenandoah National Park has a $70 million impact on the counties surrounding the park. The health of the Shenandoah’s resources and the health of its neighbors will forever be entwined.

The 75th anniversary of the Shenandoah National Park is an important milestone. For 75 years the Shenandoah National Park has been a treasure for all Americans, but there are many stories waiting to be told. We must all be diligent to make sure that the Park’s views and natural areas are around for tomorrow’s visitors and for future generations to enjoy. I hope that we can continue to preserve the beauty of the Park, a world of beauty that can renew and bring peace to the spirit.

CONGRATULATIONS TO THE FULSHEAR GIRL SCOUTS

HON. RON PAUL OF TEXAS IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. PAUL. Mr. Speaker, on July 2, the Girl Scouts of Fulshear, Texas, in my congressional district, will gather for the Fulshear Freedom Feast.

Additionally, Fulshear Freedom Feast is a celebration of the Girls Scouts of America’s 100th anniversary, which was celebrated on March 16, 1912 in order to provide young women with an organization that would help them reach their full potential. From the very start, Girls Scouts’ programs emphasized community service, personal and spiritual growth, positive values, leadership, and teamwork. Today, close to 23 million American girls in Girl Scout programs such as field trips, sports clinics, community service projects, cultural exchanges, and environmental initiatives. Per-haps the Girl Scouts’ best-known project is the annual cookie sale, which not only raises funds for the Girl Scout’s many projects, it helps girls across the national get practical business experience.

Participating in Girl Scouts helps young women build confidence, develop new skills, learn about and explore career opportunities, help their communities, and make friendships that can last a lifetime. Therefore, Mr. Speaker, I encourage all my colleagues to join me in celebrating the Girls Scouts of America’s centennial and in sending best wishes to the Fulshear Girl Scouts as they prepare for the Fulshear Freedom Feast.

AMERICA INVENTS ACT

SPEECH OF HON. MAIZE K. HIRONO OF HAWAII IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1249) to amend title 35, United States Code, to provide for patent reform:

Ms. HIRONO. Madam Chair, I rise today in reluctant opposition to H.R. 1249, the America Invents Act.

In Hawaii, independent inventors and small businesses are at the forefront of the innovation that we need to strengthen our state’s economic future. Year after year, small businesses have been responsible for the majority of net job growth nationwide. Congress must modernize and fund the U.S. Patent and Trademark Office (PTO) to address the massive application backlog that stifles innovation and job creation.

However, I have heard from independent inventors and small businesses in Hawaii who express grave concerns about H.R. 1249. This bill’s shift to a “first inventor to file” system could create a “race to file,” allowing large companies to use early and repeat filings to threaten independent inventors’ and small businesses’ rights.

Further, to speed up patent processing and job creation, the PTO must be able to use inventors’ application fees for their intended use: processing patents. The PTO receives no tax money, and is funded entirely by fees. I voted against the manager’s amendment that diverts these user fees to the vagaries of the annual congressional budget process.

I also have concerns about Section 18 of the bill. This section establishes an administrative review process for financially related business method patents whose validity has been questioned. This review process is retroactive, and even previously awarded patents whose validity had been upheld by federal courts would be subject to challenge. This is unfair to inventors, who would have to defend themselves again for patents they have already been awarded and are already defended in court.

Innovation and technology development is essential to growing Hawaii’s economy of the future. For this reason, I support patent reform but cannot support the bill before us today.
genuity and innovation was key to economic and security, and they knew that American invention.

behind the Intellectual Property Clause of the America Invents Act, it is important for the Framers when they drafted Article I, Section 8, Clause 8 of the Constitution, commonly referred to as the Intellectual Property Clause. Section 8 outlines raise serious Constitutional questions. Section 3 clearly violates the intent of our Framers when they drafted the Intellectual Property Clause, Section 18 opens the door for the Executive Branch to overturn the Judicial Branch, a clear violation of the separation of powers laid out by the United States Constitution.

As a 22-year Army combat veteran, and now as a Member of the House of Representatives, I swore an oath to protect and defend the Constitution. Voting in favor of passage of H.R. 1249 I believe goes against the very sacred oath I took, both as a young Second Lieutenant over 25 years ago, and as a Congresswoman in this body earlier this year.

INTRODUCTION OF THE COMPREHENSIVE PROBLEM GAMBLING ACT OF 2011

HON. JAMES P. MORAN
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 23, 2011

Mr. MORAN. Mr. Speaker, I rise today to introduce, along with Representatives FRANK WOLF, SHELLEY BERKLEY, and ALCEE HASTINGS, the Comprehensive Problem Gambling Act of 2011. This legislation would, for the first time, authorize federal support for the prevention and treatment of problem and pathological gambling.

According to the National Council on Problem Gambling, approximately 6–9 million American adults meet the criteria for a gambling problem, which includes gambling behavior patterns that compromise, disrupt or damage personal, family or vocational pursuits. Over the past decade, gaming and gambling has grown in the United States and many states have expanded legalized gaming, including regulated casino-style games and lotteries. The recent economic downturn only compounds this situation as many states consider relaxing gaming laws in an effort to raise state revenues.

At the same time, the federal government and most states have devoted very little, if any, resources to the prevention and treatment of compulsive gambling. Problem gambling can destroy a person’s career and financial standing, disrupt marriages and personal relationships, and encumber participation in criminal activity. Currently, no federal agency has responsibility for coordinating efforts to treat problem gambling.

The Comprehensive Problem Gambling Act of 2011 would begin to address this deficiency by designating the Substance Abuse and Mental Health Services Administration (SAMHSA) as the lead agency on problem gambling, allowing them to coordinate Federal