Turner
Upton
Visclosky
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—173

Ackerman
Andrews
Baca
Bachmann
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—7

Giffords
Gingrey (GA)
Holden
Hurt
Napolitano
Rangel
Stivers

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1351

Mr. BERMAN changed his vote from ''aye'' to ''no.''

Mr. MCINTYRE changed his vote from ''no'' to ''aye.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. BACHMANN. Mr. Speaker, when rollcall vote 480 was called, I registered my vote as "aye" and then proceeded to an Intelligence briefing. When I returned to the floor, it was my intention to vote "no" on the next amendment and I registered my vote as such. Unfortunately, due to a staffing error, it was still the same rollcall vote 480, and my "aye" was mistakenly changed to "no." To be clear, I do support the rule providing for consideration of the FY2012 Department of Defense Appropriations Bill.

Stated against:

Ms. NAPOLITANO. Mr. Speaker, on Thursday, June 23, 2011, I was absent during rollcall vote No. 480 in order to attend my grandson's graduation. Had I been present, I would have voted "no" on H. Res. 320—Rule providing for consideration of H.R. 2219—Department of Defense Appropriations Act, 2012.

AMERICA INVENTS ACT

The SPEAKER pro tempore (Mr. WOODALL). Pursuant to House Resolution 316 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1249.

□ 1351

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1249) to amend title 35, United States Code, to provide for patent reform, with Mr. POE of Texas (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, June 22, 2011, a request for a recorded vote on amendment No. 1 printed in part B of House Report 112–111 offered by the gentleman from Texas (Mr. SMITH) had been postponed.

AMENDMENT NO. 1 OFFERED BY MR. SMITH OF TEXAS

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on the amendment printed in part B of House Report 112–111 on which further proceedings were postponed.

The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SMITH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 283, noes 140, not voting 8, as follows:

[Roll No. 481]

AYES—283

Ackerman
Adams
Aderholt
Alexander
Altmire
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capuano
Carnahan
Carney
Carter
Cassidy
Chabot
Chaffetz
Chandler
Cicilline
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Davis (KY)
DeLauro
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (TN)
Ellmers
Emerson
Engel
Farenthold
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frelinghuysen
Gallegly
Gardner
Gerlach
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanabusa
Hanna
Harper
Harris
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Himes
Hinchey
Hochul
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Inslee
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, Sam
Jordan
Keating
Kelly
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Loebsack
Long
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Maloney
Marchant
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller, Gary
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Runyan
Ruppersberger
Rush
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schilling
Schmidt
Schrader
Schwartz
Schweikert
Serrano
Sessions
Sewell
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stutzman
Sullivan
Thompson (PA)
Thornberry
Tiberi
Tipton
Upton
Visclosky
Walberg
Walden
Walsh (IL)
Wasserman Schultz
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Wu
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—140

Akin
Amash
Andrews
Baca
Bachmann
Baldwin
Bass (CA)
Becerra
Berg
Berman
Bilbray
Bishop (NY)
Blumenauer
Brady (PA)
Brooks
Broun (GA)
Brown (FL)
Capps

Cardoza	Hinojosa	Pelosi
Carson (IN)	Hirono	Peters
Castor (FL)	Holt	Pingree (ME)
Chu	Honda	Polis
Clarke (MI)	Hunter	Posey
Clarke (NY)	Israel	Reyes
Clay	Jackson (IL)	Rohrabacher
Cleaver	Johnson (IL)	Roybal-Allard
Clyburn	Johnson, E. B.	Royce
Conyers	Jones	Ryan (OH)
Costa	Kaptur	Sanchez, Loretta
Cummings	Kildee	Schakowsky
Davis (CA)	Kind	Schiff
Davis (IL)	King (IA)	Schock
DeFazio	Kucinich	Scott (SC)
DeGette	Lance	Scott (VA)
Deutch	Landry	Scott, David
Dingell	Lee (CA)	Sensenbrenner
Doggett	Levin	Sherman
Doyle	Lewis (GA)	Slaughter
Duncan (SC)	Lipinski	Speier
Edwards	Lofgren, Zoe	Stark
Ellison	Luján	Stearns
Eshoo	Lynch	Sutton
Farr	Mack	Terry
Filner	Manzullo	Thompson (CA)
Flake	Markey	Thompson (MS)
Frank (MA)	Matsui	Tierney
Franks (AZ)	McClintock	Tonko
Fudge	McDermott	Towns
Garamendi	McNerney	Tsongas
Garrett	Miller (FL)	Turner
Gonzalez	Miller (NC)	Van Hollen
Green, Al	Miller, George	Velázquez
Green, Gene	Moore	Walz (MN)
Grijalva	Nadler	Waters
Gutierrez	Pallone	Watt
Hartzler	Pascrell	Waxman
Hastings (FL)	Pastor (AZ)	Webster
Heinrich	Paul	Woolsey
Higgins	Payne	

NOT VOTING—8

Giffords	Hurt	Scott, Austin
Gingrey (GA)	Napolitano	Stivers
Holden	Rangel	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (Mrs. CAPITO) (during the vote). There are 2 minutes remaining in this vote.

□ 1410

Mr. MACK changed his vote from ''aye'' to ''no.''

Messrs. BARTLETT and MULVANEY changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. AUSTIN SCOTT of Georgia. Madam Chair, on rollcall No. 481 I was unavoidably detained. Had I been present, I would have voted "nay."

Mrs. NAPOLITANO. Madam Chair, on Thursday, June 23, 2011, I was absent during rollcall vote No. 481 in order to attend my grandson's graduation. Had I been present, I would have voted "nay" on the Smith (TX) Manager's Amendment.

AMENDMENT NO. 2 OFFERED BY MR. CONYERS

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 112–111.

Mr. CONYERS. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 24, strike line 3 and all that follows through page 25, line 12, and insert the following:

(n) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section—

(A) shall take effect 90 days after the date on which the President issues an Executive order containing the President's finding that major patenting authorities have adopted a grace period having substantially the same effect as that contained under the amendments made by this section; and

(B) shall apply to all applications for patent that are filed on or after the effective date under subparagraph (A).

(2) DEFINITIONS.—In this subsection:

(A) MAJOR PATENTING AUTHORITIES.—The term ''major patenting authorities'' means at least the patenting authorities in Europe and Japan.

(B) GRACE PERIOD.—The term ''grace period'' means the 1-year period ending on the effective filing date of a claimed invention, during which disclosures of the subject matter by the inventor or a joint inventor, or by others who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor, do not qualify as prior art to the claimed invention.

(C) EFFECTIVE FILING DATE.— The term ''effective filing date of a claimed invention'' means, with respect to a patenting authority in another country, a date equivalent to the effective filing date of a claimed invention as defined in section 100(i) of title 35, United States Code, as added by subsection (a) of this section.

(3) RETENTION OF INTERFERENCE PROCEDURES WITH RESPECT TO APPLICATIONS FILED BEFORE EFFECTIVE DATE.—In the case of any application for patent that is filed before the effective date under paragraph (1)(A), the provisions of law amended by subsections (h) and (i) shall apply to such application as such provisions of law were in effect on the day before such effective date.

Page 11, lines 21-23, strike ''upon the expiration of the 18-month period beginning on the date of the enactment of this Act,'' and insert ''on the effective date provided in subsection (n)''.

The Acting CHAIR. Pursuant to House Resolution 316, the gentleman from Michigan (Mr. CONYERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. I ask unanimous consent that the gentleman from California, DANA ROHRABACHER, be added to this amendment as a cosponsor.

The Acting CHAIR. The Chair would advise the gentleman that amendments do not have cosponsors.

Mr. CONYERS. I yield myself 2½ minutes.

Ladies and gentlemen, this bipartisan amendment adds an important provision to H.R. 1249. It would permit the conversion of the United States to a first-to-file system only upon a Presidential finding that other nations have adopted a similar one-year grace period. This one-year grace period protects the ability of an inventor to discuss or write about his or her ideas for a patent up to a year before he or she actually files for patent protection. And without this grace period, an inventor could lose his or her own patent.

This grace period provision within H.R. 1249 would grant an inventor a one-year period between the time he first publishes his invention to the time when he's required to file a patent. During this time, this would prohibit anyone else from seeing this publication, stealing the idea, and quickly filing a patent behind the inventor's back. Yet the only way for American inventors to benefit from the grace period provision contained in 1249 is to ensure that the foreign countries adopt a similar grace period as well.

The amendment would encourage other countries to adopt a similar period in their patent system consistent with a recommendation by the National Academy's National Research Council. Current law in the United States allows a grace period of 1 year, during which an applicant can disclose or commercialize an invention before filing for a patent. Japan offers a limited grace period, and Europe provides none.

If the first-to-file provision in the bill is implemented, we must ensure that American inventors are not disadvantaged. Small American inventors and universities are disadvantaged abroad in those nations where there is no grace period.

The grace period provision within H.R. 1249 would grant an inventor a one-year period between the time he first publishes his invention to the time when he is required to file a patent.

During this time, this would prohibit anyone else from seeing this publication, stealing the idea, and quickly filing a patent behind the inventor's back.

Yet, the only way for American inventors to benefit from the grace period provision contained in H.R. 1249 is to ensure that foreign countries adopt a grace period, as well.

Small American inventors and universities are disadvantaged abroad in those nations where there is no grace period. As a result, they often lose the right to patent because these other countries do not care about protecting small business and university research.

The United States needs to do more to protect the small inventor and universities not just here but abroad.

Unfortunately, other countries will not do it on their own even though they want the United States to convert to a ''first-to-file'' system.

If H.R. 1249 passes without my Amendment, we will be giving away a critical bargaining chip that we can use to encourage other countries to follow our lead.

My Amendment ensures that the only way to benefit from the grace period in H.R. 1249 is to have foreign countries adopt a grace period.

Without this Amendment, we will be unilaterally transitioning the United States to a ''first-to-file'' system with a weak grace period without any incentive for foreign countries to adopt a grace period.

I should also note that identical language was included in H.R. 1908, the ''Patent Reform Act of 2007,'' which the House passed on September 7, 2007.

Accordingly, I urge my colleagues to support this Amendment.

Mr. SMITH of Texas. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Madam Chair, the Conyers amendment to tie the changes proposed in the America Invents Act to future changes that would

be made in foreign law is unworkable. I oppose providing a trigger in U.S. law that leaves our patent system at the mercy of actions to be taken at a future date by the Chinese, Russians, French, or any other country. It is our constitutional duty to write the laws for this great land. We cannot delegate that responsibility to the whims of foreign powers.

I know that this idea has been floated in the past, but after working on several pieces of patent legislation over the past several Congresses, and particularly this year on H.R. 1249, it has become clear that this type of trigger idea is simply not workable and is counterproductive.

The move to a first-inventor-to-file system creates a more efficient and reliable patent system that benefits all inventors, including independent inventors. The bill provides a more transparent and certain grace period, a key feature of U.S. law, and a more definite filing date that enables inventors to promote, fund, and market their technology, while making them less vulnerable to costly patent challenges that disadvantage independent inventors.

Under first-inventor-to-file, an inventor submits an application to the Patent Office that describes their invention and how to make it. That, along with a $110 fee, gets them a provisional application and preserves their filing date. This allows the inventor an entire year to complete the application, while retaining the earlier filing date. By contrast, the cost of an interference proceeding before the PTO often runs to $500,000.

The current first-to-invent system harms small businesses and independent inventors. Former PTO Commissioner Gerald Mossinghoff conducted a study that proves smaller entities are disadvantaged in PTO interference proceedings that arise from disputes over patent ownership under the current system. Independent inventors and small companies lose more often than they win in these disputes, plus bigger companies are better able to absorb the cost of participating in these protracted proceedings.

In addition, many inventors also want protection for their patents outside the United States. If you plan on selling your product overseas, you need to secure an early filing date. If you don't have a clear filing date, you can be shut off from the overseas market. A change to first-inventor-to-file will help our businesses grow and ensure that American goods and services will be available in markets across the globe.

In the last 7 years, only one independent inventor out of 3 million patent applications filed has prevailed over the inventor who filed first. One out of 3 million. So there is no need for this amendment. Independent inventors lose to other applicants with deeper pockets that are better equipped to exploit the current complex legal environment.

So the first-to-file change makes it easier and less complicated for U.S. inventors to get patent protection around the world. And it eliminates the legal bills that come with the interference proceedings under the current system. It is a key provision of this bill that should not be contingent upon actions by foreign powers and delay what would be positive reforms for independent inventors and our patent system.

The first-inventor-to-file provision is necessary for U.S. competitiveness and innovation. It makes our patent system stronger, increases patent certainty, and reduces the cost of frivolous litigation.

However, if you support the U.N. having military control over our troops, or if you support the concept of an international court at The Hague, then you would support this amendment's proposal of a trigger that subjects U.S. domestic law to the whims of governments in Europe, China, or Russia.

It really would be unprecedented to hold U.S. law hostage to legal changes made overseas, and would completely go against what this great country stands for and what our Founders fought for: the independent rights and liberties we have today.

For these reasons, Madam Chair, I am strongly opposed to the amendment.

I yield back the balance of my time.

□ 1420

Mr. CONYERS. I yield the balance of my time to the gentleman from California (Mr. ROHRABACHER).

The Acting CHAIR. The gentleman from California is recognized for 2½ minutes.

Mr. ROHRABACHER. Let's just note that Ms. LOFGREN last night presented a case to this body which I felt demonstrated the danger that we have in this law. A move to first-to-file system, which is what this bill would do, without a corresponding 1-year grace period in other countries dramatically undermines the patent protection of American inventors. Some of us believe that's the purpose of this bill because they want to harmonize American law with the weak systems overseas.

Well, without this amendment that we are talking about right now, without the Conyers-Rohrabacher amendment, if an inventor discloses his discoveries, perhaps to potential investors, his right to patent protection is essentially gone. It's not gone from just Americans. Yes, he would be protected under American law; but from all those people in foreign countries without a similar grace period to what we have here in our system, these people are not restricted. Thus, they could, once an American inventor discloses it, at any time they can go and file a patent and steal our inventors' discoveries.

The only way for American inventors to benefit from a grace period here, which this bill is all about, is to ensure that foreign countries adopt the same grace period. And that's what this amendment would do. It would say our bill, which will make our inventors vulnerable to foreign theft, will not go into place until those foreign countries have put in place a similar grace period, which then would prevent them and their citizens from coming in and stealing our technology. Ms. LOFGREN detailed last night in great detail how that would work.

I call this bill basically the Unilateral Disclosure Act, if not the Patent Rip-Off Act, because we are disclosing to the world what we've got. And our people can't follow up on it because there's a grace period here, but overseas they don't have that same grace period. So what we're saying is, to prevent foreigners from stealing American technology, this will not go into effect until the President has issued a statement verifying that the other countries of the world have a similar grace period so they can't just at will rip off America's greatest entrepreneurs and inventors.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CONYERS. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 3 OFFERED BY MS. BALDWIN

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 112–111.

Ms. BALDWIN. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 5 (''Defense to Infringement Based on Prior Commercial Use''), as amended, and redesignate succeeding sections and references thereto (and conform the table of contents) accordingly.

Page 68, line 9, strike ''section 18'' and insert ''section 17''.

Page 115, line 10, strike ''6(f)(2)(A)'' and insert ''5(f)(2)(A)''.

The Acting CHAIR. Pursuant to House Resolution 316, the gentlewoman from Wisconsin (Ms. BALDWIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. BALDWIN. I yield myself 3½ minutes.

Madam Chair, I rise to urge adoption of the Baldwin-Sensenbrenner amendment that strikes section 5 in the America Invents Act. Section 5 expands the prior-user rights defense from its present narrow scope to broadly apply to all patents with minimal exceptions.

As we work to rebuild our economy, Congress should be doing all that it can

to foster small business innovation and investment. I believe that section 5 will do just the opposite. Expanding prior-user rights will be disastrous for small American innovators, as well as university researchers, and ultimately slow job creation.

Despite current challenges, the U.S. patent system remains the envy of the world. Since the founding of our Nation, inventions have been awarded exclusive rights in exchange for public disclosure. This system also creates incentives for investing in new ideas, fostering new ways of thinking, and encouraging further advancement and disclosures. It promotes progress.

If proponents of expanding prior-user rights have their way with this legislation, they will give new rights to those who have previously developed and used the same process or product even if they never publicly divulged their innovation and never even applied for a patent. It will transform our patent system from one that values transparency to one that rewards secrecy.

To understand why expanding prior-user rights runs counter to the public interest, it is important to reiterate how critical exclusive rights are for inventions to gain marketplace value and acquire capital. For start-ups and small businesses, raising necessary capital is vital and challenging. The expansion of prior-user rights would only make that task all the more difficult.

Under the system proposed in the American Invents Act, investors would have no way of determining whether anyone had previously developed and used the process or product that they were seeking to patent. In such a scenario, a patent might be valuable or relatively worthless; and the inventor and potential investors would have no means of determining which was true.

Madam Chairwoman, I would like to boast for a moment if I could about Stratatech, a fiercely innovative small business in Madison run by a top researcher at the University of Wisconsin who, through her research there, developed a human living skin substitute. This living skin is a groundbreaking treatment method that we hope will ultimately save the lives of American troops who have suffered burns while serving in Iraq and Afghanistan.

The company was recently awarded nearly $4 million to continue clinical trials for their tissue product. And what can save lives in a desert combat setting abroad will assuredly transform the way doctors save lives of burn victims in hospitals around our country and around the world.

Now, I wonder if Stratatech would have been able to drive this phenomenal innovation and life-saving technology as far as they have with a patent that provides only conditional exclusivity. Would investors have felt as secure advancing this technology in a system shrouded in secrecy? What if Stratatech's patent was subject to the claims of an unlimited number of people or companies who could later claim ''prior use''?

The Acting CHAIR. The time of the gentlewoman has expired.

Ms. BALDWIN. I yield myself 15 additional seconds.

If we let section 5 stand, it is unclear to me whether a similar company would ever secure the funding that they need to grow.

I urge my colleagues to adopt the Baldwin-Sensenbrenner amendment.

I reserve the balance of my time.

Mr. SMITH of Texas. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Madam Chair, this amendment strikes the prior-user rights provision from the bill. I strongly oppose this amendment.

The bill expands prior-user rights—a strong, pro-job, pro-manufacturing provision. This provision will help bring manufacturing jobs back to this country. It allows factories to continue using manufacturing processes without fear of costly litigation. It is absolutely a key component of this bill.

This provision has the strong support of American manufacturers and the support of all the major university associations and technology-transfer associations. These include the Association of American Universities, American Council on Education, Association of American Medical Colleges, Association of Public and Land Grant Universities, Association of University Technology Managers, and the Council on Government Relations representing the vast majority of American Universities. Prior-user rights ensure that the first inventor of a new process or product using manufacturing can continue to do so.

This provision has been carefully crafted between stakeholders and the university community. The language provides an effective exclusion for most university patents, so this provision focuses on helping those in the private sector.

The prior-use defense is not overly expansive and will protect American manufacturers from having to patent the hundreds or thousands of processes they already use in their plants.

After getting initial input from the university community, they recommended that we make the additional changes reflected in this bill to ensure that prior-user rights will work effectively for all private sector stakeholders.

Prior-user rights are important as part of our change to a first-to-file system. I believe it is important to ensure that we include these rights to help our job-creating manufacturers across the United States. The philosophical objections of a lone tech-transfer office in Wisconsin should not counter the potential of this provision for job creation throughout America.

There are potentially thousands or hundreds of thousands of unemployed Americans who are looking for manufacturing jobs and could benefit from this provision. Without this provision, businesses say they may be unable to expand their factories and hire American workers if they are prevented from continuing to operate their facilities the way they have for years.

□ 1430

For many manufacturers, the patent system presents a catch-22. If they patent a process, they disclose it to the world and foreign manufacturers will learn of it and, in many cases, use it in secret without paying licensing fees. The patents issued on manufacturing processes are very difficult to police, and oftentimes patenting the idea simply means giving the invention away to foreign competitors. On the other hand, if the U.S. manufacturer doesn't patent the process, then under the current system a later party can get a patent and force the manufacturer to stop using a process that they independently invented and used.

In recent years, it has become easier for a factory owner to idle or shut down parts of his plant and move operations and jobs overseas rather than risk their livelihood through an interference proceeding before the PTO. The America Invents Act does away with these proceedings and includes the pro-manufacturing and constitutional provision of prior-user rights.

This provision creates a powerful incentive for manufacturers to build new plants and new facilities in the United States. Right now, all foreign countries recognize prior-user rights, and that has played a large role in attracting American manufacturing jobs and facilities to these countries. H.R. 1249 finally corrects this imbalance and strongly encourages businesses to create manufacturing jobs in this country.

The prior-user rights provision promotes job creation in America. Prior-user rights will help manufacturers, small business and other innovative industries strengthen our economy. It will help our businesses grow and allow innovation to flourish.

I strongly support prior-user rights, and so I oppose this amendment.

I yield back the balance of my time.

Ms. BALDWIN. I yield the balance of my time to the gentleman from Wisconsin (Mr. SENSENBRENNER).

The Acting CHAIR. The gentleman from Wisconsin is recognized for 1¼ minutes.

Mr. SENSENBRENNER. Madam Chair, this expansion of prior-user rights is a step in the wrong direction. It goes against what this House determined 4 years ago when we last debated this issue, and also it is different than what the Senate has done in March of this year.

The fundamental principle of patent law is disclosure, and the provision in this bill that the amendment seeks to strike goes directly against disclosure and instead encourages people who may invent not to even file for a patent, and that will slow down research

and expanding the knowledge of humans.

The gentleman from Texas talks about manufacturing. I am all for manufacturing. I think we all are all for manufacturing. But what this does is it helps old manufacturing, which we need to help, but it also puts new manufacturing in the deep freeze because they use the disclosures that are required as a part of a patent application.

You vote for the amendment if you want disclosure and advancement of human knowledge. You vote against the amendment if you want secrecy in this process.

The Acting CHAIR. All time has expired.

The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. BALDWIN).

The question was taken; and the Acting CHAIR announced that the noes appeared to have it.

Ms. BALDWIN. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Wisconsin will be postponed.

AMENDMENT NO. 4 OFFERED BY MS. MOORE

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 112–111.

Ms. MOORE. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 139, insert the following after line 12 and redesignate succeeding sections (and conform the table of contents) accordingly:

SEC. 29. ESTABLISHMENT OF METHODS FOR STUDYING THE DIVERSITY OF APPLICANTS.

The Director shall, not later than the end of the 6-month period beginning on the date of the enactment of this Act, establish methods for studying the diversity of patent applicants, including those applicants who are minorities, women, or veterans. The Director shall not use the results of such study to provide any preferential treatment to patent applicants.

The Acting CHAIR. Pursuant to House Resolution 316, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE. Madam Chair, I yield myself such time as I may consume.

My amendment would ensure that we have the proper data to identify and work with sectors of the U.S. economy that are participating in the patent process at significantly lower rates.

Specifically, my amendment allows the USPTO to develop methods for ways to track the diversity of patent applicants. It also specifically prohibits the office from using any such results for any preferential treatment in the application process.

I certainly do applaud the USPTO for their outreach to the Women's Chamber of Commerce and to the National Minority Enterprise Development Conferences to try to increase diversity with utilizing the patent process. But some recent data have raised concern that minorities and women-owned businesses are just not keeping up with the patent process.

Preliminary data from a 2009 Kauffman Foundation survey of new businesses show that minority-owned technology companies hold fewer patents and copyrights after the fifth year of starting than comparable nonminority businesses. In fact, the Kauffman data show that minority-owned firms with patents hold only two on average, compared with the eight of their counterparts. Another survey uses National Science Foundation data to suggest that women commercialize their patents 7 percent less than their male counterparts.

Now, the best example I can think of this is the late great George Washington Carver, who we all know discovered 300 uses for peanuts and hundreds more for other plants. He went on to help local farmers with many improvements to their farm equipment, ingredients, and chemicals. However, Carver only applied for three patents.

Some historians have written on whether or not Eli Whitney was, indeed, the original inventor of the cotton gin or whether the invention could have originated from the slave community. At the time, slaves were unable to register an invention with the Patent Office, and the owner could not patent on their behalf because of the requirement to be an original inventor.

Now, African Americans and women have a long history of inventing some of the most influential products in our society, but we also simply do not have enough information to further explore and explain these results. And as our government and industry leaders look into these problems and possibly fix these deficiencies, they run into a major hurdle.

Currently, the Patent and Trade Office only knows the name and general location of a patent applicant. In most cases, only the physical street address that the office collects is for the listed patent attorney on the application. Such limited information prevents us from fully understanding the nature and scope of the underrepresentation of minority communities in intellectual property. Until we can truly understand the nature of this problem, we cannot address it or do the appropriate outreach.

Mr. SMITH of Texas. Will the gentlewoman yield?

Ms. MOORE. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Madam Chair, I just want to say to the gentlewoman from Wisconsin that I appreciate her offering the amendment, and I urge my colleagues to support it.

Ms. MOORE. I certainly again want to commend efforts from Director Kappos and the Patent and Trade Office that, despite their not having to do it, they do reach out to women and minority communities to try to get them to utilize the Patent Office.

I can say that the ability to innovate and create is just one part of the equation. The key to success for minorities in our community as a whole also depends upon the ability to get protection for their intellectual property.

I urge the body to vote for this amendment.

I would yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 112–111.

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 139, insert the following after line 12 and redesignate succeeding sections (and conform the table of contents) accordingly:

SEC. 29. SENSE OF CONGRESS.

It is the sense of Congress that the patent system should promote industries to continue to develop new technologies that spur growth and create jobs across the country which includes protecting the rights of small businesses and inventors from predatory behavior that could result in the cutting off of innovation.

The Acting CHAIR. Pursuant to House Resolution 316, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Madam Chair, as I rise to offer my amendment, I take just a moment of personal privilege to say that, whatever side Members are on on this issue, I know that Members want to protect the genius of America.

I would like to thank my ranking member, Mr. CONYERS, for that commitment, as he comes from one of the original genius proponents, and that is the auto industry that propelled America into the job creation of the century, and to the chairperson of the committee, Mr. SMITH, who ventured out in efforts to provide opportunities for protecting, again, the opportunities for invention and genius.

□ 1440

My amendment speaks, I think, in particular to the vast population of startups and small businesses that are impacted by this legislation. In particular, it is a reinforcement of Congress' position that indicates that the patent system should promote industries to continue to develop new technologies that spur growth and create jobs across the country, which includes protecting the rights of small businesses and inventors from predatory

behavior that could result in the cutting off of innovation.

We recognize that small and minority businesses and women-owned businesses, which dominate the landscape of America, are really major job creators. Small business is thriving in my own home State of Texas, as well. There were 386,422 small employers in Texas in 2006, accounting for 98.7 percent of the State's employers and 46.8 of its private sector employment. We know that there are a large number of women-owned businesses and as well growing African American and Latino. But we need more growth—with Asian businesses, small businesses, Hispanic, Native American, African American—all forms of businesses that are part of growing this economy.

Small business makes up a large portion of our employer network. It is important to understand how they will be impacted as a result of patent reform. In this first-to-file, for example, small businesses may in fact be concerned about trying to get investors. As they get investors, they may have to disclose. This sense of Congress will put us on notice that we need to be careful that we allow at least the opportunity for these investors, and that we continue to look at the bill to ensure that it responds to that opportunity. We must recognize again, as I said, that small businesses create jobs. And the number of new jobs that they have created are 64 percent of net jobs over the past 15 years. My amendment, again, reinforces the idea that small businesses can survive in this climate.

I did offer an amendment which provided for a transitional review program for 5 years or add for that to be sunsetted. It was all about trying to protect our small businesses. But I believe this amendment, with its firm statement, gathers Congress around the idea that nothing in this bill will inhibit small businesses from being creative. We can as well recognize all of the growth that has come about from the ideas of small businesses.

I think my amendment also reinforces that we do not wish to engage in any undue taking of property because we indicate that we want to see the innovativeness of American businesses continue. I believe this is an important statement, because the bill is about innovation, genius, creation, job creation, and it should be about small businesses. Small businesses should be as comfortable with going to the Patent Office as our large businesses. In years to come, because of this major reform, we should see small businesses creating opportunity for growth as they develop not into small-and medium-sized but huge international companies.

So I am asking my colleagues to support this amendment, and as well I am recognizing that we do have the opportunity to turn the corner and to put a stamp of new job creation on America.

I rise today to offer an amendment to H.R. 1249, the "America Invents Act." My amendment adds a section to the end of the bill expressing the sense of Congress that "the patent system should promote industries to continue to develop new technologies that spur growth and create jobs across the country, which includes protecting the rights of small businesses and inventors from predatory behavior that could result in the cutting off of innovation."

We must always be mindful of the importance of ensuring that small companies have the same opportunities to innovate and have their inventions patented and that the laws will continue to protect their valuable intellectual property. Several studies, including those by the National Academy of Sciences and the Federal Trade Commission, recommended reform of the patent system to address what they thought were deficiencies in how patents are currently issued.

The U.S. Department of Commerce defines small businesses as businesses which employ less than 500 employees.

According to the Department of Commerce in 2006 there were 6 million small employers representing around 99.7% of the nation's employers and 50.2% of its private-sector employment.

In 2002 the percentage of women who owned their business was 28% while black owned was around 5%. Between 2007 and 2008 the percent change for black females who were self employed went down 2.5% while the number for men went down 1.5%.

Small business is thriving in my home state of Texas as well. There were 386,422 small employers in Texas in 2006, accounting for 98.7% of the state's employers and 46.8% of its private-sector employment.

In 2009, there were about 468,000 small women-owned small businesses compared to over 1 million owned by men.

88,000 small business owners are black, 77,000 are Asian, 319,000 are Hispanic, and 16,000 are Native Americans.

Since small businesses make up such a large portion of our employer network, it is important to understand how they will be impacted as a result of patent reform.

Given the current state of the economy, we cannot afford to overlook the opportunities for job growth that small businesses create.

According to the Bureau of Labor Statistics, between the 1992 and 2005, small businesses accounted for 65% of quarterly net employment growth in the private sector.

Even in unsteady economic times, small businesses can be counted on for job creation. Between 1992 and 2004, the net job creation rate was the highest at the smallest establishments.

Small Businesses Create Jobs. It is a fact. According to the Small Business Administration, small businesses:

Represent 99.7 percent of all employer firms.

Employ just over half of all private sector employees.

Generated 64 percent of net new jobs over the past 15 years.

Create more than half of the nonfarm private gross domestic product (GDP).

Hire 40 percent of high tech workers (such as scientists, engineers, and computer programmers).

Made up 97.3 percent of all identified exporters and produced 30.2 percent of the known export value in FY 2007.

Produce 13 times more patents per employee than large patenting firms; these patents are twice as likely as large firm patents to be among the one percent most cited.

Many successful business owners will credit at least part of their success to the ability to innovate—in technologies, in strategies, and in business models. A huge part of this innovation comes from the ability to create and patent ideas.

According to a study conducted by Business Week, half of all business innovation resources are dedicated to creating new products or services.

Patents are the driving force behind this product innovation, and without strong patent protection, businesses will lack the incentive to attract customers and contribute to economic growth.

While I am happy to be here debating this all important amendment to this bill, it is unfortunate that some of my other amendments supporting small businesses and acknowledging the "takings clause" in the U.S. Constitution were not accepted. In yesterday's Rules Committee meeting, I offered a number of amendments:

I offered amendments that ensure the inclusion of minority and women owned businesses in the definition of "small entities" to ensure they receive the benefits of reduced user fees.

I also offered an amendment ensuring the inclusion of Historically Black Colleges and Universities and Hispanic Serving Institutions amongst entities that receive fee discounts.

Another pro-small business amendment I offered would have extended the grace period for small businesses from one year to 18 months, enabling them enough time to secure financial support and develop their invention in order to bring it to market.

Section 18 of the bill, which creates a transitional review program for business method patents, has raised concerns about the potential to create situations which could run afoul of the "takings clause" in the U.S. Constitution. To address these concerns, I offered a number of amendments:

One of my amendments would have shortened the sunset on Section 18 from 10 years to 5 years.

I also introduced an amendment that would have required the Director of the USPTO to make a determination of whether or not a condition causing an unlawful taking is created by this section.

Lastly, I introduced a sense of Congress amendment that affirms that no provisions in this bill should create a unconstitutional taking.

Despite my concerns with certain provisions in this bill, overall, I believe H.R. 1249 will usher in the reforms needed to improve the patent system, making it more effective and efficient, and therefore encouraging innovation and job creation.

I yield back the balance of my time.

Mr. SMITH of Texas. Madam Chair, I claim the time in opposition, although I support the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SMITH of Texas. Madam Chair, I understand the underlying point of the Member's amendment, and I want to make it clear that my interpretation of this amendment and its intent is to

highlight the problem posed by entities that pose as financial or technological businesses but whose sole purpose is not to create but to sue. I am talking about patent trolls—those entities that vacuum up patents by the hundreds or thousands and whose only innovations occur in the courtroom. This sense of Congress shows how these patent trolls can hurt small businesses and independent inventors before they even have a chance to get off the ground. This bill is designed to help all inventors and ensure that small businesses will continue to be a fountain for job creation and innovation.

For these reasons, Madam Chair, I support the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Ms. JACKSON LEE of Texas. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. LUJÁN

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part B of House Report 112–111.

Mr. LUJÁN. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 135, line 22, strike the period and insert a semicolon.

Page 135, after line 22, insert the following:

(C) shall evaluate and consider the extent to which the purposes of satellite offices listed under subsection (b) will be achieved;

(D) shall consider the availability of scientific and technically knowledgeable personnel in the region from which to draw new patent examiners at minimal recruitment cost; and

(E) shall consider the economic impact to the region.

Page 136, line 9, insert before the semicolon the following: '', including an explanation of how the selected location will achieve the purposes of satellite offices listed under subsection (b) and how the required considerations listed under subsection (c) were met''.

The CHAIR. Pursuant to House Resolution 316, the gentleman from New Mexico (Mr. LUJÁN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. LUJÁN. Madam Chair, I rise today in support of my amendment to H.R. 1249, the America Invents Act. The America Invents Act provides for the creation of United States Patent and Trademark Office satellite offices. For many small businesses and independent inventors, navigating the patent application process can be challenging. Small businesses, entrepreneurs, and innovators are the foundation of our economy but do not always have the resources that larger corporations or institutions have to assist them in obtaining a patent. By improving access to the United States Patent and Trademark Office, satellite offices have the potential to help small businesses and independent inventors navigate the patent application process. However, this bill essentially provides no guidance to determine the location of such satellites offices.

While the language in the bill contains stated purposes for satellite offices, it does not specify that these purposes be part of the selection process. This amendment makes it explicit that the purposes of the satellite offices, which are included in the underlying bill, such as increasing outreach activities to better connect patent filers and innovators with the USPTO, be part of the selection process. It also specifies that the economic impact to the region be considered, as well as the availability of knowledgeable personnel, so that the new patent examiners can be hired at minimal recruitment costs, saving taxpayers money.

The selection of USPTO satellite offices should be done in a way that supports economic growth and puts investors and inventors on a path to success. I think this is a commonsense amendment, and I urge the adoption.

I reserve the balance of my time.

Mr. SMITH of Texas. Madam Chair, I rise to claim the time in opposition, though I am in favor of the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SMITH of Texas. Madam Chair, section 23 of the bill requires the PTO Director to establish three or more satellite offices in the United States, subject to available resources. The provision lists criteria that the Director must take into account when selecting each office. This is a good addition to H.R. 1249, and I urge my colleagues to support it. I also hope that one of those offices is in Austin, Texas.

I yield back the balance of my time.

Mr. LUJÁN. Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. LUJÁN).

The amendment was agreed to.

Ms. JACKSON LEE of Texas. Madam Chair, because of the graciousness of the ranking member, Mr. CONYERS, and the chairman, Mr. SMITH, of agreeing to my amendment, Jackson Lee No. 5 that was just debated, I ask unanimous consent to withdraw my request for a record vote.

The Acting CHAIR. Is there objection to the request of the gentlewoman from Texas?

Without objection, the request for a recorded vote on amendment No. 5 is withdrawn and the amendment stands adopted by the voice vote thereon.

There was no objection.

□ 1450

AMENDMENT NO. 7 OFFERED BY MR. PETERS

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part B of House Report 112–111.

Mr. PETERS. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 139, insert the following after line 12 and redesignate succeeding sections (and conform the table of contents) accordingly:

SEC. 29. USPTO STUDY ON INTERNATIONAL PATENT PROTECTIONS FOR SMALL BUSINESSES.

(a) STUDY REQUIRED.—The Director, in consultation with the Secretary of Commerce and the Administrator of the Small Business Administration, shall, using the existing resources of the Office, carry out a study—

(1) to determine how the Office, in coordination with other Federal departments and agencies, can best help small businesses with international patent protection; and

(2) whether, in order to help small businesses pay for the costs of filing, maintaining, and enforcing international patent applications, there should be established either—

(A) a revolving fund loan program to make loans to small businesses to defray the costs of such applications, maintenance, and enforcement and related technical assistance; or

(B) a grant program to defray the costs of such applications, maintenance, and enforcement and related technical assistance.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Director shall issue a report to the Congress containing—

(1) all findings and determinations made in carrying out the study required under subsection (a);

(2) a statement of whether the determination was made that—

(A) a revolving fund loan program described under subsection (a)(2)(A) should be established;

(B) a grant program described under subsection (a)(2)(B) should be established; or

(C) neither such program should be established; and

(3) any legislative recommendations the Director may have developed in carrying out such study.

The Acting CHAIR. Pursuant to House Resolution 316, the gentleman from Michigan (Mr. PETERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. PETERS. While the America Invents Act makes a number of important changes to our patent system which are targeted at reducing the USPTO's backlogs and driving innovation, I believe that we must do more to help our Nation's small businesses compete in the global marketplace. Success in the global economy depends more and more on IP assets. America's IP-intensive industries employ nearly 18 million workers at all education and skill levels and represent 60 percent of U.S. exports.

While obtaining a U.S. patent is a critical first step for our innovators towards recouping their R&D costs, capitalizing on their inventions and creating jobs, a U.S. patent only provides

protection against infringement here at home. If inventors do not register in a foreign market, such as China, they have no protection there if the Chinese economy begins production of their patented inventions. Not only is a foreign patent protection necessary to ensure the ability to enforce patent rights abroad; it is necessary to defend American inventors against foreign lawsuits.

High costs, along with language and technical barriers, prevent many American small businesses from filing for foreign patent protection. Lack of patent protection both at home and abroad increases uncertainty for innovators and the likelihood of piracy. While we must reduce backlogs at the USPTO to make domestic patent protection more attainable, we must also look forward to find ways to help our manufacturers and other IP-intensive industries compete globally.

This is why I am offering a commonsense, bipartisan amendment to the America Invents Act along with my colleague, Representative RENACCI, whom I would also like to thank for working with me on this important issue.

This amendment mandates a USPTO-led study with SBA to determine the best method to help small businesses obtain, maintain and enforce foreign patents. This study is to be conducted using existing resources at no cost to the taxpayers, and does not alter the score of the bill. I believe our amendment will help Congress and the USPTO determine the best ways to help American small businesses protect their IP assets, compete globally and boost exports.

I would like to thank Chairman SMITH and Ranking Member CONYERS for working with us on this amendment; and I urge passage of the Peters-Renacci amendment.

I yield my remaining time to my colleague from Ohio, Representative RENACCI.

The Acting CHAIR. The gentleman from Ohio is recognized for 2½ minutes.

Mr. RENACCI. I thank the gentleman for yielding and also for his hard work on the amendment on behalf of American small businesses.

I rise today in strong support of the Peters-Renacci amendment—a commonsense, no-cost study to determine the best method for American small businesses to obtain and enforce patent protections in foreign countries.

Industries that rely on intellectual property employ nearly 18 million American workers and represent 60 percent of American exports. As these industries continue to grow globally, foreign patent protection will become increasingly important to protect these workers' jobs, promote exports and expand our economy.

Our economy is becoming more global by the day, with foreign innovators testing the outer reaches of imagination and enjoying the strong support of their home nations. China, for example, is becoming increasingly aggressive at protecting their innovators' intellectual property rights and is subsidizing applications for foreign patents. We must develop a way here at home to make American small businesses equally competitive in the foreign marketplace. In order to compete with China, we have to stand behind our innovators with equal force.

Our amendment simply directs the U.S. Patent and Trademark Office to conduct a joint study with the Small Business Administration to issue recommendations on how America can do just that. Furthermore, this study is to be completed within 120 days, giving the 112th Congress ample time to implement its recommendations.

Not only are jobs and the economy paramount, but promoting American innovation is also important. Innovation is about much more than economic growth. It breaks boundaries, connects people from distant lands, fires the imagination, and sends a message of hope to those who need it most. Americans should be on the cutting edge of innovation, and this amendment is a good first step toward that direction.

I would again like to thank Mr. PETERS as well as Chairman SMITH and Ranking Member CONYERS. I urge support of the amendment.

Mr. SMITH of Texas. Madam Chair, I claim the time in opposition, although I support the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SMITH of Texas. Madam Chair, I understand the underlying point of the Member's amendment, but other legislation and patent reform in particular have taught us that even small changes can have unintended consequences unless they have been vetted and have gone through the regular committee process.

The problem is in the details. This amendment is drafted as a study. I agree with the first part of the amendment but not the second because its objectives are written very much like a piece of legislation. It seeks to create support for a new program whereby taxpayer funds would be used to pay patent fees in foreign countries.

I am strongly committed to helping our small businesses and independent inventors secure their rights and have a level playing field abroad, but I can't support a result that could create a new entitlement program, a new bureaucracy and the transferring of taxpayer dollars directly to the treasuries of foreign governments. We should not use taxpayer funds to pay patent filing fees to foreign governments.

I do agree with the first part of this study, and am interested to see how the PTO, in coordination with other agencies, can figure out ways to help small businesses with international patent protection. I hope that this will be the focus of the study. The results of this study will show that small business outreach and educational and technical assistance programs are the most effective tools for small business and independent inventors.

I think that the PTO needs to continue its efforts to reach out to small businesses and independent inventors. This bill includes a provision which creates a permanent small business ombudsman at the PTO to work with small businesses to help them secure their patent rights. The PTO also conducts small business outreach programs throughout the country, teaching small businesses about IP enforcement and how to protect their intellectual property both at home and abroad.

Though I do not agree with the policy outline in the second part of the study and will strongly recommend that the PTO and SBA determine that such a program should not be established, I will support this amendment to initiate the study, and I hope that the bulk of it will focus on how to better utilize existing government resources for education and technical assistance to help small businesses with international patent protection.

Before I yield back the balance of my time, I hope that the movers of this amendment might be willing to reassure me and others about the intent and goals of this study.

I yield back the balance of my time.

The Acting CHAIR. The gentleman from Michigan has 15 seconds remaining.

Mr. PETERS. I just appreciate the support for this amendment. It is an important amendment that will give us information we can then use to support our small businesses as they're doing business abroad, and I urge its adoption.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. PETERS).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part B of House Report 112–111.

Mr. POLIS. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 108, beginning on line 18, strike ''pending on, or filed on or after,'' and insert ''filed on or after''.

The Acting CHAIR. Pursuant to House Resolution 316, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Madam Chair, H.R. 1249 correctly changes the policy involving tax strategy patents. Under current law, although it was current law that was never specifically contemplated by lawmakers, tax strategy methods are

patentable. Now these tax strategy patents have complicated the tax filing process and have allowed commonsense filing techniques to be patentable, so H.R. 1249 removes this complication by mandating that tax strategies are deemed insufficient to differentiate a claimed invention from the prior art.

I strongly support this provision. However, there are a number of folks who are currently involved with the process of applying for tax strategy patents, and in effect, we risk changing the rules of the game retroactively for them, a form of takings. There are currently 160 tax strategy patent applications in the process. Many of the inventors have decided to devote thousands of hours of time to disclose their innovations. Again, had this window of patentability never been opened—and it never should have been—this would not have been an issue because these inventors would have retained their innovations as trade secrets.

□ 1500

However, you can't blame them for saying, okay, there's a window on patentability; I will disclose so that I can have the 17-year exclusive. And now the risk is that that calculation that they made to disclose is being changed retroactively insofar as they will no longer have the ability to protect their innovation as a trade secret.

In their patent applications, these applicants have described how to make and use their invention. Many have even provided computer programs, including code, to carry them out. The patent applications have been published, and some of them are pending for many years. Changing the law midstream fundamentally hurts these applicants who did all that was proper under the law at the time they filed their patent application.

The underlying bill as drafted would make those patent applications useless; and because the patent applications have been published, the patent applicant will get nothing for disclosing their secrets, except the expense of pursuing a patent and of course the ability of others to replicate their innovation. Competitors will be free to use their disclosures in the published patent application process.

Changing the law midstream simply sends the wrong message to inventors that one cannot trust the law that is in place when they file a patent. Congress would be sending a message, unless my amendment is incorporated into the underlying bill, that all inventors on any subject matter may have their disclosures taken away from them after they have made the decision to apply for a patent by retroactively negating the possibility of them receiving a patent.

Tax strategy patents should never have been allowed under the law. I think there's broad agreement among all of us in this Chamber on that topic. It's unfortunate that there was a window. However, rational inventors, making a conscious choice, said, hey, in favor of disclosing, I will then accept a 17-year monopoly, and are now being penalized for making what was a very reasonable decision.

Restore equity to the America Invents Act by supporting my amendment. I hope Members on both sides of the aisle will support this, which effectively addresses only those 160 applications that are in effect now. It certainly continues and am in support of the ban on future patents for tax strategies, but there seem to be very few alternatives or remedies to the takings that would otherwise occur under this bill unless my amendment is incorporated.

I strongly urge a ''yes'' vote on the amendment.

I yield back the balance of my time.

Mr. SMITH of Texas. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE), who is the chairman of the Intellectual Property Subcommittee of the Judiciary Committee.

Mr. GOODLATTE. Madam Chairman, I rise in strong opposition to this amendment.

Increasingly, individuals and companies are filing patents to protect tax strategies. When one individual or business is given the exclusive right to a particular method of complying with the Tax Code, it increases the costs and complexity for every other citizen or tax preparer to comply with the Tax Code. It is not difficult to foresee a situation where taxpayers are forced to choose between paying a royalty in order to reap the best tax treatment and complying with the Tax Code in another, less favorable way. Tax strategy patents add additional costs and complications to an already overly complex process, and this is not what Congress intended when it passed the Federal tax laws or the patent laws.

The problem of tax strategy patents has been a growing concern for over a decade. Over 140 tax strategy patents have already been issued, and more applications are pending. Tax strategy patents have the potential to affect tens of millions of everyday taxpayers, many who do not even realize these patents exist. The Tax Code is already complicated enough without also expecting taxpayers and their advisers to become ongoing experts in patent law.

That is why I advocated for inclusion in H.R. 1249 of a provision to ban tax strategy patents. H.R. 1249 contains such a provision which deems tax strategies insufficient to differentiate a claimed invention from the prior art. This will help ensure that no more tax strategy patents are granted by the PTO.

Importantly, the House worked hard to find a compromise that will ensure Americans have equal access to the best methods of complying with the Tax Code, while also preserving the ability of U.S. technology companies to develop innovative tax preparation and financial management solutions. I believe the language in H.R. 1249 does just that.

This amendment would allow any tax strategy patent that was filed as of the date of enactment of the bill to move toward issuance by the PTO. However, tax strategy patents are bad public policy whether they were filed the day before or the day after this bill happens to be enacted. The effective date in the underlying bill rightly applies to any patent applications pending on the date of enactment.

In order to reduce the cost of filing taxes for all Americans and to restore common sense to our patent system, I urge my colleagues to oppose this amendment.

Mr. SMITH of Texas. Madam Chair, I yield 1 minute to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. I have tremendous respect for the gentleman from Colorado, but I rise in opposition to this amendment.

This amendment would cover not only those patent applications that were on file yesterday but, as I understand it, also those that are filed tomorrow. Tax strategy patents are a bad idea, as the American Institute of Certified Public Accountants states. ''It's bad public policy. No one should be granted a monopoly over a form of compliance with the Federal Tax Code.''

This amendment is opposed not only by the American Institute of Certified Public Accountants but also my colleague, co-chair of the CPA Caucus, MIKE CONAWAY, and a majority of the CPA and accountants caucus, together with the American College of Trusts and Estate Counsel and the Certified Financial Planner Board of Standards.

Keep in mind, the purpose of a patent is to encourage innovation. What interest does the Federal Government have in encouraging innovative ways to avoid paying taxes to the Federal Government? It is now time to draw a line against patents on tax compliance.

Mr. SMITH of Texas. I yield myself the balance of my time.

Madam Chair, I oppose the amendment to change the effective date for the tax strategy method section of the bill.

It is possible to patent tax strategy methods, but it is bad policy. It is not fair to permit patents on techniques regularly used to satisfy a government mandate, such as one that requires individuals and businesses to pay taxes.

Tax preparers, lawyers, and planners have a long history of sharing their knowledge regarding how to file returns, plan estates, and advise clients. They maintain that allowing the patentability of tax strategy methods will complicate the tax filing process and inhibit the ability of preparers to provide quality services for their clients.

The effective date applies to any patent application that is pending on, or

filed on or after, the date of enactment and to any patent that is issued on or after that date.

The gentleman's amendment eliminates the application of this provision to those applications pending on the date of enactment. These applications have not been approved so I disagree with excluding these patents-in-waiting.

It was a mistake for the PTO to issue these patents in the first place, given their potential to harm individual taxpayers and tax return preparers. We shouldn't leave the door ajar by allowing more applications in. This just compounds the very problem we're trying to solve.

I oppose the gentleman's amendment, and I urge my colleagues to vote against it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The amendment was rejected.

AMENDMENT NO. 9 OFFERED BY MR. CONYERS

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in part B of House Report 112–111.

Mr. CONYERS. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following new section (and conform the table of contents accordingly):

SEC. 32. CALCULATION OF 60-DAY PERIOD FOR APPLICATION OF PATENT TERM EXTENSION.

(a) IN GENERAL.—Section 156(d)(1) of title 35, United States Code, is amended by adding at the end the following flush sentence:

''For purposes of determining the date on which a product receives permission under the second sentence of this paragraph, if such permission is transmitted after 4:30 P.M., Eastern Time, on a business day, or is transmitted on a day that is not a business day, the product shall be deemed to receive such permission on the next business day. For purposes of the preceding sentence, the term 'business day' means any Monday, Tuesday, Wednesday, Thursday, or Friday, excluding any legal holiday under section 6103 of title 5.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to any application for extension of a patent term under section 156 of title 35, United States Code, that is pending on, that is filed after, or as to which a decision regarding the application is subject to judicial review on, the date of the enactment of this Act.

The Acting CHAIR. Pursuant to House Resolution 316, the gentleman from Michigan (Mr. CONYERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. This bipartisan amendment makes a technical revision to H.R. 1249. It addresses the confusion regarding the calculation of the filing period for patent term extension applications under the Hatch-Waxman Act. By eliminating confusion regarding the deadline for patent term extension applications, this amendment provides the certainty necessary to encourage costly investments in life-saving medical research. It also is consistent with the only court case to address this issue entitled, The Medicines Co. v. Kappos. As a result of this amendment, all applications and cases will be treated henceforth in the same manner.

I also want to point out that this exact language has passed the House overwhelmingly on a voice vote in the past, and the prior version of the provision was unanimously passed by the House on two previous occasions and was also in another instance voted out by the Senate Judiciary Committee on a bipartisan basis. It was also accepted in a voice vote by the House Judiciary Committee at a markup earlier this year.

□ 1510

Madam Chair, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Madam Chair, in 2001, a biotech entity called the Medicines Company, or MedCo, submitted an application for a patent extension that the PTO ruled was 1 day late. This application would have extended patent protection for a drug the company developed called Angiomax. In August 2010, a U.S. district court ordered the PTO to use a more consistent way of determining whether the patent holder submitted a timely patent extension application. The PTO is implementing that decision and believes the court's decision resolves the problem for MedCo. Because of this ongoing litigation, the manager's amendment struck language pertaining to MedCo. The Conyers amendment seeks to reinsert that provision.

The Conyers amendment essentially codifies the district court's decision, but it ignores the fact that this case is on appeal. We need to let the courts resolve the pending litigation. It is standard practice for Congress not to interfere when there is ongoing litigation. If the Federal circuit rules against MedCo, generic manufacturers of the drug could enter the marketplace immediately rather than waiting another 5 years. This has the potential to save billions of dollars in health care expenses. While the amendment is drafted so as to apply to other companies similarly situated, as a practical matter, this is a special fix for one company.

Finally, it would be more appropriate for this to be considered as a private relief bill. Private relief bills are designed to provide benefits to a specific individual or corporate entity. The House and the Judiciary Committee have procedures in place to ensure that such bills are properly vetted. This amendment ignores those procedures and denies Members the opportunity to know the consequences of what they are voting on.

To summarize, Madam Chair, we should not interfere with ongoing litigation which may be unprecedented, and we should give this issue regular process in the Judiciary Committee.

I oppose the amendment and urge my colleagues to defeat it.

I yield back the balance of my time.

Mr. CONYERS. I would like to yield 1 minute to the distinguished gentleman from Massachusetts, ED MARKEY, of the Energy and Commerce Committee.

Mr. MARKEY. Madam Chairman, this amendment eliminates confusion regarding the deadline for filing patent term extensions under the Hatch-Waxman Act and provides the certainty needed to encourage critical medical research. It also promotes good government by ensuring that the Patent Office and the FDA adopt consistent interpretations of the very same statutory language. And finally, this amendment is consistent with the only court decision addressing this issue. The court stated that the interpretation that is reflected in this amendment—this is from the court—is ''consistent with the statute's text, structure, and purpose.''

Right now, America's next Lipitor or Prozac could be bottled up at the Patent Office and never made available because of uncertainty regarding the patent term extension process. In order to uncork American innovation and invention, we need a patent extension process that is clear, consistent, and fair. That's exactly what the Conyers amendment does. It enjoys broad bipartisan support, and it confirms and clarifies existing law. It is cost-neutral.

I urge support for the amendment.

Mr. CONYERS. I yield, unfortunately only 75 seconds, to my good friend, also from Massachusetts, Mr. RICHARD NEAL.

Mr. NEAL. Madam Chair, I understand Mr. SMITH's position here, but the truth is that when he suggests that we're doing things that are interfering with ongoing court tests, there have been a series of votes here already about the health care law and guaranteed to have more coming in this institution. So I'm not going to spend a lot of time on that suggestion.

But I rise today in support of the amendment. It addresses the deadline for filing patent term extension applications under the Hatch-Waxman Act. By adopting a clear standard, the amendment would provide the opportunity and certainty needed to allow innovators to conduct the time-consuming and expensive medical research necessary to bring new lifesaving drugs to market.

The amendment clarifies the law in a manner that tracks the only court decision to have addressed this particular provision. It will ensure that all applications and all cases are treated the same. Because the amendment merely

confirms existing law, it is budget-neutral.

The amendment enjoys broad support on both sides of the aisle. I hope that all of my colleagues will join me in supporting it.

Mr. CONYERS. Madam Chair, I am proud now to yield 30 seconds to the distinguished gentleman from Kansas, MIKE POMPEO.

Mr. POMPEO. I rise in support of this amendment.

As a former business owner, compliance with senseless government regulations was one of my biggest frustrations and, honestly, one of the primary reasons I ran for Congress. But it is impossible to comply with regulations when you get two different interpretations from two different agencies, and that's what we have here with this intellectual property rule.

The PTO and the FDA have established two different standards, and this amendment simply seeks to fix that, to give an identical outcome from two different agencies that resulted from different interpretations of the Hatch-Waxman Act of 1984.

Inventors shouldn't have to guess. We can make a clean deadline. I urge my colleagues to support this amendment.

Mr. CONYERS. I yield the balance of my time to the distinguished gentleman from New Jersey, SCOTT GARRETT.

The Acting CHAIR. The gentleman from New Jersey is recognized for 45 seconds.

Mr. GARRETT. Madam Chair, the Hatch-Waxman Act provides for the extension of patent terms covering drug products that must be approved by the FDA. And the extension that we're talking about here, while seemingly straightforward, the Patent Office and the FDA have interpreted it, as we have said, in two different ways, creating uncertainty that has led to miscalculations.

So our amendment, consistent with a court ruling, will clarify that when the FDA provides the final approval after normal business hours, the 60-day clock begins on the next business day. So by doing this, by ensuring that patent holders will not lose their rights prematurely, what this amendment does is it will not only resolve a long-standing problem but will encourage the development of innovative new drugs as well.

With that, I urge the adoption of this very commonsense amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CONYERS. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 10 OFFERED BY MS. SPEIER

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in part B of House Report 112–111.

Ms. SPEIER. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 16, line 3, insert before the period the following: '', including requiring parties to provide sufficient evidence to prove and rebut a claim of derivation''.

The Acting CHAIR. Pursuant to House Resolution 316, the gentlewoman from California (Ms. SPEIER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. SPEIER. Madam Chair, my amendment enhances the derivations proceedings provision in the first-inventor-to-file section of the bill.

As we know, the U.S. Patent Office is a vital tool that facilitates universities and businesses of all sizes to turn ideas and discoveries into successful products. Having said that, we must ensure that our patent system provides strong and predictable intellectual property protections.

This act creates a new process called ''derivation,'' by which a party can defeat an earlier filed patent application by showing that the invention in the earlier application was derived from the party's invention or concept. The bill requires a party to support a petition for derivation by ''substantial evidence'' in order to initiate a proceeding.

The derivation proceedings in this legislation must be a process that is fair, reliable, and permits the Patent and Trademark Office to make a decision based on a solid record of relevant evidence. This amendment helps to accomplish this by requiring the PTO to provide rules for the exchange of relevant information by both parties.

The substantial evidence threshold at the petition stage of the proceedings may not be reasonable in some circumstances. For example, consider a situation where an inventor discloses an invention to a venture capitalist who declines to invest in it. The venture capitalist has conversations with several other VCs about the invention, and eventually a company funded by one of those VCs files a patent application for something very much like the original invention. If a company funded by the original VC has filed the application, the inventor would be able to show substantial evidence of derivation through the disclosure to the VC and the link between the VC and the company filing the application. However, in the instance when an inventor did not personally make a disclosure to other VCs or the company that filed an application, it would be difficult for the inventor to show substantial evidence, particularly relevant to disclosures about which the inventor is unaware.

The public's interest in fostering innovation requires that the derivation proceedings be equitable to both parties and that the PTO have a complete record of evidence on which to make its decision. Inventors must have a fair chance to prove their claim, and defending parties must be able to provide evidence to rebut claims. This amendment accomplishes these goals by requiring the PTO to provide rules for the exchange of relevant information and evidence by both parties.

□ 1520

I reserve the balance of my time.

Mr. SMITH of Texas. Madam Chair, I claim the time in opposition, although I support the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SMITH of Texas. Madam Chair, I think this is a good amendment. I urge my colleagues to support it.

I yield back the balance of my time.

Ms. SPEIER. Madam Chair, I yield the balance of my time to the gentleman from Maryland (Mr. HOYER).

The Acting CHAIR. The gentleman from Maryland is recognized for 2½ minutes.

Mr. HOYER. I thank the gentlewoman for yielding.

Madam Chair, I rise in support of this legislation.

I am a strong supporter, as many of you know, of what we call our Make It In America agenda. ''Make It In America'' simply means that we're going to provide jobs, we're going to provide opportunities, and we're going to build the manufacturing sector of our economy. In order to do that, we also need to enhance the inventive, innovative, and development phases of our economy. This bill, I think, will facilitate this.

I congratulate the gentlewoman from California for this amendment as well, which I think improves this bill, and I rise in strong support and urge my colleagues to support this piece of legislation. I congratulate all of those who have worked on this legislation.

It is, obviously, not perfect. But then again, no piece of legislation that we adopt is perfect. It is, however, a significant step forward to make sure that America remains the inventive, innovative, development capital of the world. In order to do that, we need to manufacture goods here in America; manufacture the goods that we invent, innovate, and develop. Because if we continue to take them to scale overseas, then the inventors, innovators, and developers will themselves move overseas.

So I thank Mr. SMITH, I thank Mr. WATT, and I thank others who have worked so hard on this legislation, Ms. LOFGREN as well, who have dedicated themselves to try to make sure that we have a context and environment in America which will facilitate the inventive, innovative sector of our economy.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. SPEIER).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. WATT

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in part B of House Report 112–111.

Mr. WATT. Madam Chair, we were expecting Congresswoman WATERS. I would ask unanimous consent that this amendment be delayed until we can determine whether she is still planning to offer it.

The Acting CHAIR. The Committee of the Whole is unable to reorder the amendments.

Mr. WATT. In that case, I offer the amendment as the designee of the gentlewoman from California.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 139, insert the following after line 12 and redesignate succeeding sections (and conform the table of contents) accordingly:

SEC. 29. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

The Acting CHAIR. Pursuant to House Resolution 316, the gentleman from North Carolina (Mr. WATT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. WATT. Madam Chair, I yield myself such time as I may consume solely to say that this is a straightforward amendment that provides that if one part of the bill is determined to be unconstitutional, it can be severable from the rest of the bill and it doesn't bring the rest of the provisions down. That's a standard policy to put in most legislation.

With that, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Chair, I rise to claim the time in opposition, although I support the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SMITH of Texas. I thank the gentleman for offering the amendment, and I urge my colleagues to support it.

I yield back the balance of my time.

Mr. WATT. Madam Chair, I have just been advised that we were mistaken in the desire of Ms. WATERS to offer the amendment. She didn't want me to offer it in her stead, and that's why she didn't show up.

I would just ask unanimous consent to withdraw the amendment, unless the chairman has an objection.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 12 OFFERED BY MR. SENSENBRENNER

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in part B of House Report 112–111.

Mr. SENSENBRENNER. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 3 (''First Inventor to File''), as amended, beginning on page 5, line 1, and redesignate succeeding sections and references thereto (and conform the table of contents) accordingly.

Page 68, line 9, strike ''section 18'' and all that follows through ''3(n)(1)'' on line 11 and insert ''section 17 and in paragraph (3), shall apply to any patent for which an application is filed on or after that effective date''.

Page 74, line 3, strike ''derivation'' and insert ''interference''.

Page 74, line 7, strike ''derivation'' and insert ''interference''.

Page 76, line 7, strike ''DERIVATION'' and insert ''INTERFERENCE''.

Page 76, lines 7 and 8, strike ''a derivation'' and insert ''an interference''.

Page 76, lines 12 and 25, strike ''derivation'' and insert ''interference''.

Page 77, line 6, strike ''a derivation'' and insert ''an interference''.

Page 77, line 10, strike ''derivation'' and insert ''interference''.

Page 77, line 23, strike ''a derivation'' and insert ''an interference''.

In section 7 (''Patent Trial and Appeal Board''), as amended, strike subsection (d) (''Conforming Amendments'') and insert the following:

(d) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO TITLE 35.—Sections 134, 145, 146, 154, and 305 of title 35, United States Code, are each amended by striking ''Board of Patent Appeals and Interferences'' each place that term appears and inserting ''Patent Trial and Appeal Board''.

(2) ATOMIC ENERGY ACT OF 1954.—Section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182) is amended, in the third undesignated paragraph, by striking ''Board of Patent Appeals and Interferences'' each place it appears and inserting ''Patent Trial and Appeal Board''.

(3) TITLE 51.—Section 20135 of title 51, United States Code, is amended, in subsections (e) and (f), by striking ''Board of Patent Appeals and Interferences'' each place it appears and inserting ''Patent Trial and Appeal Board''.

Page 113, line 20, strike ''as in effect'' and all that follows through ''3(n)(1),'' on line 22.

Page 113, line 25, strike ''(as in'' and all that follows through ''date)'' on page 114, line 1.

Page 114, line 9, strike ''(as in effect'' and all that follows through ''3(n)(1)'' on line 11.

Page 115, line 10, strike ''6(f)(2)(A)'' and insert ''5(f)(2)(A)''.

The Acting CHAIR. Pursuant to House Resolution 316, the gentleman from Wisconsin (Mr. SENSENBRENNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. SENSENBRENNER. I yield myself 1½ minutes.

Madam Chair, section 3 of this bill creates a first-to-file patent system. The sponsors believe that the United States should harmonize with other countries' first-to-file systems. There's no reason to do that.

Our patent system is the strongest in the world, and it's based upon the first recognition of the Constitution in any country that inventors should be protected. I think that the Constitution empowers Congress to give patents only to inventors. We had a significant constitutional argument on this issue yesterday. If the amendment is not adopted, the issue will be litigated all the way up to the Supreme Court.

The current first-to-invent system has been key in encouraging entrepreneurial innovation and evens the playing field for individual inventors who are not represented by a major industry. The first-inventor-to-file system violates the Constitution because it would award a patent to the winner of the race to the PTO and not the actual inventor who makes the first discovery.

If we change to a first-to-file system, inventors who believe they do not have sufficient resources to win the race to the PTO will not have any motivation at all to continue developing the new invention. This will stifle innovation, and given the current state of our economy, that's the last thing we need.

The Acting CHAIR. The time of the gentleman has expired.

Mr. SENSENBRENNER. I yield myself an additional 15 seconds.

First-to-file also invites excessive filing and will add to the burden of the USPTO by increasing the examiner's workload. We already have financing problems there. If this amendment is not adopted, it will be worse.

I reserve the balance of my time.

Mr. SMITH of Texas. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Madam Chair, the gentleman's amendment strikes the first-inventor-to-file provisions from the bill. I strongly oppose the amendment.

The move to a first-inventor-to-file system creates a more efficient and reliable patent system that benefits all inventors, including independent inventors. This provision provides a more transparent and certain grace period, a key feature of U.S. law, and a more definite filing date that enables inventors to promote, fund, and market their technology while making them less vulnerable to costly patent challenges that disadvantage independent inventors.

The first-inventor-to-file system is absolutely consistent with the Constitution's requirement that patents be awarded to the inventor. Former Attorney General Michael Mukasey has stated that the ''provision is constitutional and helps assure that the patent laws of this country accomplish the goal set forth in the Constitution: 'to promote the Progress of Science and useful Arts.' ''

Under first-inventor-to-file, patent rights are reserved to someone who

independently conceived of an invention before it was in the public domain. And under the Constitution, that is what is required to be considered an ''inventor.''

□ 1530

In fact, early American patent law, that of our Founders' generation, did not concern itself with who was the first to invent. The U.S. operated under a first-inventor-to-register system for nearly half a century, starting in 1790. The first-inventor-to-register system is similar to first-inventor-to-file, a system that the Founders themselves supported early in our Nation's history.

The courts did not even concern themselves with who was the first person to invent until 1870, with the creation of interference proceedings. Those proceedings are the ones that disadvantage independent inventors and small businesses. And over the years, and in subsequent revisions of the law, those proceedings have morphed into a costly litigation tactic.

Under first-inventor-to-file, an inventor submits an application to the Patent Office that describes their invention and how to make it. That, along with just a $110 fee, gets them a provisional application and preserves their filing date. This allows the inventor an entire year to complete the application, while retaining the earlier filing date. By contrast, the cost of an interference proceeding in today's law could run an inventor $500,000.

Accusations that the bill doesn't preserve the 1-year grace period are simply false. This bill provides a stronger, more transparent and certain 1-year grace period for disclosures. This enhances protection for inventors who have made a public or private disclosure of their invention during the grace period.

The grace period protects the ability of an inventor to discuss or write about their ideas for a patent up to 1 year before they file for patent protection. These simple requirements create a priority date that is fixed and public so that everyone in the world can measure the patent against competing applications and patents and relevant prior art.

In addition, many inventors also want protection for their patents outside of the United States. If you plan on selling your product overseas, you need to secure an early filing date. If you don't have a clear filing date, you can be shut out from the overseas market. A change to a first-inventor-to-file system will help our businesses grow and ensure that American goods and services will be available in markets across the globe.

The current first-to-invent system seriously disadvantages small businesses and independent inventors. Former PTO Commissioner Gerald Mossinghoff conducted a study that proved smaller entities are disadvantaged in PTO interference proceedings that arise from disputes over patent ownership under the current system.

In the last 7 years, only one independent inventor out of 3 million patent applications filed has proved an earlier date of invention than the inventor who filed first.

Madam Chair, let me repeat that: in the last 7 years, only one independent inventor out of 3 million patent applications filed has proved an earlier date of invention than the inventor who filed first. Independent inventors lose to other applicants with deeper pockets that are better equipped to exploit the current complex legal environment.

So the first-inventor-to-file change makes it easier and less complicated for U.S. inventors to secure their patent rights, and it protects their patents overseas. And it eliminates the legal bills that come with interference proceedings under the current system. It is a key provision of this bill.

Madam Chair, the amendment should not be approved, and I urge my colleagues to vote against it.

I yield back the balance of my time.

Mr. SENSENBRENNER. Madam Chair, I yield 1 minute to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Madam Chair, I find myself in reluctant opposition to my colleague from Texas in support of the Sensenbrenner amendment. Section 3 shifts our patent system from the unique first-to-invent system to a first-to-file system.

As I speak to inventors, startups, venture capitalists and angel investors in California, I'm convinced that the proposed transition to first-to-file would be harmful to innovation and burdensome to the most dynamic and innovative sector of our economy.

With the shift to first-to-file, the rush to the Patent Office will lead to new costs for small businesses as they prepare applications for inventions that they may ultimately find impractical. For small startups, the cost of retaining outside counsel for this purpose will be a drain on their limited resources and mean less money for hiring and the actual act of innovation.

Supporters of first-to-file argue inventors can turn to provisional applications to protect their patent rights. But from talking to small inventors, I have learned that good provisional applications require substantial legal fees and time investment on the part of the inventor to make them sufficiently detailed to be of use.

The Acting CHAIR. The time of the gentleman has expired.

Mr. SENSENBRENNER. I yield the gentleman an additional 15 seconds.

Mr. SCHIFF. I appreciate the hard work that has gone into the bill by the gentleman from Texas. However, I remain deeply concerned that the shift to first-to-file will have lasting negative consequences for small investors, and I urge the House to improve the bill by adopting the Sensenbrenner amendment.

Madam Chair, following is my statement in its entirety: I rise in support of the Sensenbrenner amendment to strike Section 3 of the underlying legislation. Section 3 shifts our patent system from our unique First to Invent system to a First to File system. As I speak to inventors, startups, venture capitalists and angel investors in California, I am convinced that the proposed transition to First to File would be harmful to innovation and burdensome to the most dynamic and innovative sector of our economy.

With the shift to First to File, the rush to the patent office will lead to new costs for small businesses as they prepare applications for inventions that they ultimately find impractical. The result will be more and lower quality patent applications, undermining the improved patent quality H.R. 1249 seeks to achieve. For small startups, the costs of retaining outside counsel for this purpose will be a drain on their limited resources, and it will mean less money for hiring and the actual act of invention.

Supporters of First to File argue that it will increase certainty in the patent process, but I am skeptical that any such gains in efficiency will result. The interference proceedings at the PTO that are used to resovle disputes regarding patent rights are rare, representing only a tiny fraction of patent filings. Moreover, there is an established, century old body of law on FIrst to Invent. It will take years, if not decades, for similar clarity to develop on a First to File.

Supporters of First to File argue that inventors can turn to provisional applications to protect their patent rights. That sounds good in theory, but from talking to small inventors I have learned that good provisional applications require substantial legal fees and time investment on the part of the inventor to make them sufficiently detailed to be of any use should another entity file a similar patent application.

Madam Chair, I appreciate the hard work that has gone into this bill and the leadership of the gentleman from Texas. However, I remain deeply concerned that the shift to First to File will have lasting negative consequences for small inventors, and I urge the House to improve the bill by adopting the Sensenbrenner amendment.

Mr. SENSENBRENNER. Madam Chair, I yield 1 minute to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Madam Chair, I rise in support of the Sensenbrenner amendment. Actually, I don't agree that first-to-file is unconstitutional, and I, in general, am not opposed to the idea of first-to-file.

But, unfortunately, the bill is flawed, and you cannot have first-to-file without robust prior-user rights and a broad prior-user rights used in the grace period. We don't have that in this bill.

And so what we will have are established businesses having to either reveal trade secrets or be held up, have to license their own trade secrets. For startups this is a very serious problem. And coming from Silicon Valley, I'll tell you I've heard from a lot of startups and the venture world that supports them that this provision is defective.

There were other remedies. They were not adopted. All we can do now is

to strike the first-to-file provision. I do that without any reluctance. It will serve our economy best. And I thank the gentleman for offering his amendment.

Mr. SENSENBRENNER. I yield myself the balance of the time.

Madam Chair, the reason that first-to-invent is important is that it allows an inventor to talk to investors, conduct trial and error innovation and deal with leaks, because commercially important patent rights are determined by ordinary, nonburdensome business activities.

Where this hurts the ordinary inventor by going to first-to-file is that he needs to get his venture capital together, and then go ahead and file for a patent. With first-to-file, he has to put all of the money up front to file in order to protect himself; and what that will do is have a chilling effect on the small inventor who needs to get capital in order to perfect a patent and in order to market it. That's why this amendment should be adopted. I urge the Members to do so.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. SENSENBRENNER. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin will be postponed.

AMENDMENT NO. 13 OFFERED BY MR. MANZULLO

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in part B of House Report 112–111.

Mr. MANZULLO. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 10 (beginning on page 81, line 14; ''Fee Setting Authority''), as amended, and insert the following (and conform the table of contents accordingly):

SEC. 10. ELECTRONIC FILING INCENTIVE.

(a) IN GENERAL.—An additional fee of $400 shall be established for each application for an original patent, except for a design, plant, or provisional application, that is not filed by electronic means as prescribed by the Director. The fee established by this subsection shall be reduced by 50 percent for small entities that qualify for reduced fees under section 41(h)(1) of title 35, United States Code. All fees paid under this subsection shall be deposited in the Treasury as an offsetting receipt that shall not be available for obligation or expenditure.

(b) EFFECTIVE DATE.—This section shall take effect upon the expiration of the 60-day period beginning on the date of the enactment of this Act.

The Acting CHAIR. Pursuant to House Resolution 316, the gentleman from Illinois (Mr. MANZULLO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. MANZULLO. Madam Chair, there are a lot of problems with this bill as we have heard about already. In fact, on the wall of my office here in Washington, I have two pictures, among many. One is a picture of W. Edwards Deming and myself, taken just before he passed away in 1993—the real inventor of Lee Manufacturing. The other is of Dr. Ray Damadian, the inventor of the MRI who, when examining this legislation, said if the new changes had taken place in the patent law, had they been part of the patent system when he invented the MRI, the MRI never would have been invented. He knows more than anybody how flawed this bill is.

I want to focus in particular on section 10 of the bill, which allows the Director of the Patent Office to set fees. I'm very concerned about this because, in the last patent fight, in 2004, when I chaired the House Small Business Committee, in return for supporting higher fees with a reduced rate structure for small businesses, the provision in that bill allowing the PTO Director to set fees was removed.

□ 1540

This new bill abrogates that hard-won compromise and allows the director of the PTO to set the fees. It is not wise for the legislative branch to give up more power and authority to the executive branch. I know it's inconvenient to have Congress set fees, but that's the job of Congress, not the job of an unelected bureaucrat.

When I chaired the House Small Business Committee, I continued the tradition of preventing the SBA from unilaterally being able to set fees to whatever level they sought. I don't see why we have to do this with the PTO. Now in the present bill, section 11 actually lowers fees for small business people and has a good patent fee structure. However, section 10 would allow the PTO Director to proceed with the administrative process to eviscerate that section and impose its own fees.

To compound the problem, the Patent Office has been saying for years that if they had the authority to raise fees, they would. In 2002, the PTO strategic plan said they needed to have a fee based upon a progressive system aimed at limiting applications. In 2010, in the white paper on patent reform, they said the same thing.

The Patent Office's idea of cutting back on the backlog is to raise fees. That doesn't make sense. But let's eliminate that authority from the Patent Office. Let's leave that authority with the United States Congress.

I reserve the balance of my time.

Mr. SMITH of Texas. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Madam Chair, I oppose the gentleman's amendment to strike the PTO fee-setting authority from H.R. 1249.

Although the PTO has the ability to set certain fees by regulation, most fees are set by Congress. History has shown that such a scheme does not allow the PTO to respond to the challenges that confront it.

The PTO, most stakeholders, and the Judiciary Committee have agreed for years that the agency must have fee-setting authority to address its growing workload. This need is critical. The agency's backlog exceeds 1 million patent applications. This means it takes 3 years to get a patent in the United States—far too long. The wasted time leads to lost commercial opportunities, fewer jobs, and fewer new products for American consumers. Moreover, the new fee structure will not only retain the existing 50 percent discount for small businesses, it creates a new 75 percent discount for micro entities. This benefit helps independent inventors and small businesses.

The bill allows the PTO to set or adjust all of its fees, including those related to patents and trademarks, so long as they do no more than reasonably compensate the agency for the services performed.

To the charge that we are abandoning our oversight of the process, I urge the Members to review the oversight mechanisms in the bill. For example, prior to setting such fees, the director must give notice to and receive input from the Patent Public Advisory Committee or the Trademark Public Advisory Committee. The director may also reduce fees for any given fiscal year, but only after consultation with the advisory committees.

The bill details the procedures for how the director shall consult with the advisory committees, which includes providing for public hearings and the dissemination to the public of any recommendations made by either advisory committee.

Fees shall be prescribed by rule. Any proposed fee change shall be published in the Federal Register and include the specific rationale and purpose for the proposed change.

The director must seek public comments for no less than 45 days. The director must also notify Congress of any final decision regarding proposed fees. Congress shall have no more than 45 days to consider and comment on any proposed fee, but no proposed fee shall be effective prior to the expiration of this 45-day period.

Congress will remain part of the process, but PTO is better able to respond to their own resource needs, which, after all, will benefit patent holders and subsequently the economy.

I urge my colleagues to oppose the amendment.

Madam Chair, I yield the balance of my time to the gentleman from Virginia (Mr. GOODLATTE), the chairman of the Intellectual Property Subcommittee.

The Acting CHAIR. The gentleman from Virginia is recognized for 2½ minutes.

Mr. GOODLATTE. I thank the chairman for yielding.

Madam Chairman, I rise in opposition to this amendment.

The Senate-passed patent bill granted the PTO fee-setting authority into perpetuity. The Senate's goal was laudable. It wanted to allow the PTO to have control over the fees that it charges so that it would have more certainty about rolling out new programs and hiring new examiners to deal with pendency and quality issues. We have, as you know, a very long backlog—3 years, 1 million patents. However, I had strong concerns with granting this much authority to a government agency.

Currently, the PTO must come before Congress to request any fee increases. This forces the PTO to use its current resources in the most efficient manner and also strengthens Congress' hand when it comes to oversight over the agency. Thus, I worked to get a provision into the House bill that would sunset the PTO's fee-setting authority. The bill now terminates the fee-setting authority after 7 years unless Congress proactively acts to extend it. This will allow the PTO sufficient time to structure its fees but will ensure that Congress continues to have a strong influence over that process.

And I might add that the manager's amendment to the bill also strengthens Congress' hand and limits the objective of the PTO to arbitrarily raise its fees because the Congress still appropriates the funds and can only escrow funds—can't divert them to another purpose, but escrows them. PTO will have to come back to the Congress and justify additional funds it receives.

I believe the bill, as it is written right now, strikes the right balance. And I urge Members to oppose this amendment, which would altogether eliminate PTO fee-setting authority.

Mr. MANZULLO. I yield myself the balance of my time.

Madam Chair, you don't strike the right balance between an inventor's constitutional right to file for an invention and giving a patent czar the authority to keep him out of the box by allowing him to raise the fees. Mr. SMITH from Texas said it himself; he coupled patent backlog with the ability of the patent director to set the fees. That can only lead to one conclusion: They're going to raise the fees in order to cut down on the patent backlog. It doesn't make sense.

This is the people's House. The Patent Office is the people's house for the little inventor. He must have every opportunity to exercise his constitutional right and file that patent. But if Congress cedes the authority to set those fees to a new authority of the patent director—or we can call him now the patent czar—that patent czar will control for 7 years, at the minimum, the flow of traffic coming through his office. And you know who gets slowed? Do you know who gets hurt? It's the little guy. And the purpose of my amendment is to protect the little guy to make sure those fees are not raised, and also to make sure that the people in this country elect representatives in Congress because it's our job to set the fees, not the job of an unelected person, the person in charge of the Patent Office.

I would therefore urge my colleagues to vote for the Manzullo amendment, to support the little inventor, to support the spirit of entrepreneurship in this country.

Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. MANZULLO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MANZULLO. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 14 OFFERED BY MR. ROHRABACHER

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in part B of House Report 112–111.

Mr. ROHRABACHER. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 73, after line 2, insert the following new subsection:

(i) INAPPLICABILITY OF POST-GRANT REVIEW TO CERTAIN SMALL ENTITIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a patent granted to a United States citizen, an individually lawfully admitted for permanent residence in the United States, or a United States company with less than 100 employees shall not be subject to any form of post-grant review or reexamination.

(2) RULEMAKING.—The Director shall issue such regulations as may be necessary to carry out this subsection.

The Acting CHAIR. Pursuant to House Resolution 316, the gentleman from California (Mr. ROHRABACHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ROHRABACHER. In this debate, Madam Chairman, we have heard over and over and over again about the gridlock at the Patent Office, which is supposedly what we're trying to correct with this legislation, H.R. 1249, which I have been contending is not designed to help the Patent Office, but to harmonize American law with the rest of the world and make it weaker patent protection for our people.

But what does it do about the backlog, if that's really what people are concerned about? H.R. 1249 would actually tremendously add to the PTO backlog by requiring further post-grant review proceedings at the Patent Office, proceedings which would consume even more limited personnel and money. Added procedures add to the gridlock at the PTO, at the Patent Office, and it will also do what? It will break the back of small inventors and startup companies who are trying to get a new product on the market.

□ 1550

It will empower the multinational and foreign corporations who can grind down the little guy, because what we are doing in this bill is adding even further procedures they have to go through, even after they have got their patent issued to them.

This is the big guy versus little guy legislation. That was even pointed out by the Hoover Institution, which did an analysis of this bill and said, ''The American Invents Act will protect large entrenched companies at the expense of market challenging competitors.''

''A patent should be challenged in court, not in the U.S. Patent Office.''

''A politicized patent system will further entrench those companies with the largest lobbying shops on K Street.''

''The bill wreaks havoc on property rights, and predictable property rights are essential for economic growth.''

''If America weakens its patent enforcement at home, it will set a dangerous precedent overseas.''

''The America Invents Act would inject massive uncertainty into the patent system.''

This is a travesty. It is an attack on American well-being, because we depend on our small inventors to come up with the ideas. The Kaptur-Rohrabacher amendment limits this new burden. If we can't get rid of it, at least we can limit this new burden of all these post-grant reviews they are going to add to companies that have more than 100 employees. It frees up the Patent Office personnel to do their job, helps with that gridlock, and protects the small business man and small inventors at the same time.

I would ask my colleagues to support the Kaptur-Rohrabacher amendment.

I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the gentleman for yielding and urge my colleagues to support the Rohrabacher-Kaptur amendment, which ensures fairness for small and independent inventors. Without it, this bill will destroy American job creation and innovation since it throws out 220 years of patent protections for individual inventors.

Our amendment addresses a major shortcoming of the bill by eliminating the burden of post-grant reviews and reexaminations on individual inventors and small businesses with 100 or fewer employees.

The new procedures and regulations in this bill will make it extremely difficult for the average citizen to ever get a patent or defend one without our amendment. Our amendment clearly gives the Patent Office the authority to issue appropriate regulations that

ensure that the new regulatory burdens in this bill do not disproportionately impact individual inventors. This amendment is about ensuring fairness for small inventors.

We urge our colleagues to support the Kaptur-Rohrabacher amendment so all inventors in America have a chance to realize their dreams, and, in realizing their dreams, assuring that we will have robust innovation and job creation in our country.

The Acting CHAIR. The gentleman from California has 1½ minutes remaining.

Mr. ROHRABACHER. Let me just note, our amendment empowers the Director of the Patent Office to extend this 100-employee standard to other small businesses and individual inventors overseas if this is required by a treaty; yes, small businesses and individual inventors overseas. So our amendment does nothing to violate any treaty obligations by giving our own people special rights over foreign individuals.

What it does do, however, is prevent foreign corporations from grinding down our inventors here, like they grind down their inventors overseas. This is what we are doing to prevent a harmonization of our laws, because we don't want weaker patent protection for our people. They already got it overseas against their foreign corporations that grind them down. We want to protect our own people.

I reserve the balance of my time.

Mr. SMITH of Texas. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Madam Chair, almost everyone in Congress wants to help small businesses. They are the foundation of our economy and are the primary job creators. But this amendment includes certain terms or phrases that have nothing to do with the underlying goal that it purports to achieve.

This amendment appears to focus on small businesses, but in reality the amendment attempts to provide the trial lawyer lobby and patent trolls with an exemption from PTO reexamination, allowing them to continue suing job creators using frivolous or questionable patents. This amendment has nothing to do with small businesses and everything to do with providing an exemption for some of the worst offenders of our patent system.

This amendment will not help independent inventors or small businesses. Small businesses need the PTO reexamination proceedings. Those proceedings strengthen patents, and strong patents are what investors look for when making decisions about whether or not to provide venture capital funding.

The argument that reexam proceedings harass or hurt small businesses is just plain wrong. The reexam proceedings are a cheaper, quicker, better alternative to resolve questions of patentability than costly litigation in Federal court, which can run into the millions of dollars and last for years. This amendment is an immunity agreement for patent trolls, those entities who do not create jobs or innovation but simply game the legal system.

Additionally, this amendment appears to violate our international obligations under the TRIPS agreement. Under TRIPS, we are obligated not to discriminate against any field of technology or categories of patent holders. By providing an exemption from all reexamination proceedings for technological patents granted to patent trolls or nonpracticing entities, this would create a clear violation of our legal obligations.

Our patent system should be designed to ensure that it produces strong patents and patent certainty. The PTO reexamination proceedings help ensure that these important goals are accomplished. This amendment bars any form of reexam for U.S.-owned patents and, thus, would also prevent U.S. inventors themselves from using supplemental examination to even be able to correct errors in the record about their own patents.

This amendment creates a huge loophole in our patent system by exempting entities with 100 or fewer employees. This will not help small businesses but will allow patent troll entities, foreign companies, and foreign governments to manipulate our patent system. It would bar use of the business-methods transitional proceeding against most business-method patents.

This amendment is a recipe for allowing patent trolls and foreign companies and their governments to bypass normal post-grant challenges and enables weak or questionable patents to bypass further scrutiny. There is no legitimate public policy objective in exempting large numbers of those who manipulate our patent system from the rules of the road. It is for these reasons that I strongly oppose this amendment.

I yield the balance of my time to the gentleman from Virginia (Mr. GOODLATTE).

The Acting CHAIR. The gentleman from Virginia is recognized for 2 minutes.

Mr. GOODLATTE. Madam Chairman, I rise in strong opposition to this amendment, which is a bad idea. Post-grant review is one of the most important provisions in this bill. It allows third parties, for a limited window of 9 months after a patent is issued, to submit evidence that the patent should not have been granted in the first place.

This allows third parties, many of whom will be small businesses themselves who are familiar with the subject matter, to provide a check on patent examiners. If the evidence shows that the patent is indeed invalid, then the patent applicant should never have received the patent in the first place. If the evidence shows that the patent is valid, then the patent is made stronger and more certain by surviving a post-grant review.

The amendment would exempt small businesses from the post-grant opposition proceeding. However, the quality of a patent examination does not hinge on the size of the applicant, whether it was a small business, an independent inventor, or a large corporation. It hinges on the PTO job of scrutinizing that patent. A bogus patent held by an independent inventor is no less deserving of a second look than a bogus patent held by a Fortune 500 company.

For these reasons, I urge opposition to this very bad amendment.

The Acting CHAIR. The gentleman from California has 30 seconds remaining.

Mr. ROHRABACHER. I yield the balance of my time to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I would like to refute Mr. SMITH's argument. In fact, he has manufactured an argument against our amendment that says it will violate WTO obligations, specifically citing TRIPS. He seems to object to the use of references to American citizens and U.S. companies, but obviously failed to read the entire amendment which allows the Patent Office to issue relevant regulations for properly implementing this amendment. And if he was so concerned about WTO compliance, he should strike section 18 of his own bill which is clearly WTO noncompliant because it creates a special class for only one industry, the banking industry.

I urge my colleagues to vote against the bill and for the Rohrabacher-Kaptur amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. ROHRABACHER. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 15 OFFERED BY MR. SCHOCK

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in part B of House Report 112–111.

Mr. SCHOCK. Madam Chairwoman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 112, strike line 18 and all that follows through page 118, line 2, and redesignate succeeding sections and references thereto (and conform the table of contents) accordingly.

Page 68, line 9, strike ''in section 18 and''.

□ 1600

The Acting CHAIR. Pursuant to House Resolution 316, the gentleman from Illinois (Mr. SCHOCK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. SCHOCK. I thought when we started this Congress that we had agreed to no more earmarks, no more handouts, no more special privileges for any specific industry. But based on reading H.R. 1249, it's obvious to see that it includes controversial language which does just that—section 18, which sets forth a new and different process for certain business method patents for any other patents seeking approval.

Section 18 carves out a niche of business method patents covering technology used specifically in the financial industry and would create a special class of patents in the financial services field subject to their own distinctive post-grant administrative review. This new process allows for retroactive reviews of already-proven patents that have undergone initial scrutiny, review, and have even been upheld in court. Now these patents will be subjected to an unprecedented new level of interrogation.

The other side will argue that somehow magically a number of these financially related patents breezed through the patent office and thus must be reviewed. Well, nothing could be further from the truth. In fact, the allowance rate for these business method patents is the smallest of any of the art forms. In fact, roughly 10 percent of those business method patents applied for are actually approved.

At a time when these small entrepreneurs and innovators need to be dedicating their resources and new advancements to innovation, they will instead, because of section 18, be required to divert research funds to lawyers to fight the deep pockets of Wall Street, who will now attempt to attack their right to hold these financially related patents.

With that, Madam Chair, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. I yield myself 1 minute.

Madam Chair, I strongly oppose this amendment. It strikes a useful provision that would provide a way to review the validity of certain business method patents. The proceeding would create an inexpensive and faster alternative to litigation, allowing parties to resolve their disputes rather than spending millions of dollars that litigation now costs. In the process, the proceeding would also prevent nuisance or extortion lawsuits.

This provision is strongly supported by community banks, credit unions, and other institutions that are an important source of lending to homeowners and small businesses. Finally, this bill only creates a new mechanism for reviewing the validity of business method patents. It does not alter the validity of those patents. Under settled precedent, the transitional review program is absolutely constitutional.

Madam Chair, I now yield 1 minute to the gentleman from New York (Mr. GRIMM), a member of the Financial Services Committee.

Mr. GRIMM. I rise today to call on my colleagues to oppose the Schock-Waters amendment. This amendment would strike one of the legislation's most important reforms, a crackdown on low-quality business method patents, which have weakened the patent system and cost companies and their customers millions of dollars. Infamous patent trolls—people who aggressively try to enforce patents through courts in friendly venues—have made business method patents their specialty in recent years. These same patent trolls have funded an elaborate propaganda campaign targeting the reforms in section 18.

Let us simply set the record straight. Section 18 allows patent experts to reexamine through temporary pilot programs legally questionable business method patents, a problem that the Patent Office has already said it is ready and willing to tackle. Opponents have asserted that the measure would help only the banks. This isn't true. The National Retail Federation and the U.S. Chamber of Commerce have endorsed this provision. Companies impacted include McDonald's, Walmart, Costco, Home Depot, Best Buy, and Lowes. These don't sound like banks to me.

Opponents also claim that this section is unconstitutional.

The Acting CHAIR. The time of the gentleman has expired.

Mr. SMITH of Texas. I yield the gentleman an additional 15 seconds.

Mr. GRIMM. Again, there has been a tremendous propaganda campaign basically to sell untruths that we simply need to get past. The truth is, this is best for the small guy. If we really care about the small inventors that create innovation in this country, then we should oppose this amendment.

Don't take my word for it—read the words of Judge Michael McConnell—once the most influential federal appeal court judge in the nation—and now the head of the Constitutional Law Center at Stanford Law School:

He said, "There is nothing novel or unprecedented, much less unconstitutional, about the procedures proposed," and "we can state with confidence that the proposed legislation is supported by settled precedent."

I think it is time we stop listening to patent trolls who abuse our court system, and start listening to the businesses that drive job creation and economic growth in this country.

Madam Chairman, I strongly urge my colleagues to support this bill and oppose the Schock-Waters amendment to strike Section 18.

Mr. SCHOCK. Madam Chair, I yield 1 minute to my friend, the cosponsor of this amendment, the gentlewoman from California (Ms. WATERS).

Ms. WATERS. As a member of the Judiciary Committee, I rise in strong support of the Schock-Boren-Waters-Sensenbrenner-Franks-Kaptur amendment to strike section 18. For years, the too-big-to-fail banks have attempted to eliminate their patent infringement liabilities to smaller companies and inventors that have patented financial services-related business method patents. They are now coming to Congress in hopes that you will help them steal a specific type of innovation and legislatively take other financial services-related business method patents referenced in H.R. 1249, section 18. This is simply wrong.

Elected Members of Congress should not allow the banks to use us to steal legally issued and valid patents. Financial services-related business method patents have saved financial services companies billions of dollars. But that's not enough for the banks. Because the banks have failed at every attempt to void these patents, they're attempting to use their power to write into law what they could not achieve at PTO or in the courts.

Don't be tricked, don't be fooled, and don't be used. I urge my colleagues to listen to the floor debates.

Mr. SMITH of Texas. Madam Chair, I yield 1½ minutes to the gentleman from New York (Mr. CROWLEY), who is a member of the Ways and Means Committee.

Mr. CROWLEY. I thank the gentleman for yielding.

Madam Chair, I rise in strong opposition to the amendment that would eliminate section 18 of the underlying patent reform bill. Section 18 empowers the Patent and Trademark Office to review the validity of so-called business method patents. This language was drafted in close cooperation with the Patent and Trademark Office and the Department of Commerce. It also enjoys the wide bipartisan support of the Judiciary Committee, which defeated a similar amendment during committee consideration of this bill.

Further, this amendment does not hurt any legitimate inventors. It only allows for the review of abstract patents issued since 1988 when a Federal court ruled that business methods could be patented—a ruling which the U.S. Supreme Court limited significantly last year.

What are these business methods I'm talking about? In one case, a business method patent was issued for interactive fund-raising across a data packet transferring computer network. Once obtained, the patent holder sued the Red Cross for soliciting charitable contributions on the Internet, claiming that his patent covers this entire field. In another example, a patent was granted covering the printing of marketing materials on billing statements.

These patents, and many others in this space, are not legitimate patents that help advance America. They are nuisance patents used to sue legitimate businesses and nonprofit business organizations like the Red Cross or any other merchants who engage in normal activity that should never be patented. In fact, this language will not go after any legitimate patent, but only allow a

review of illegitimate patents, like those looking to patent the ''office water cooler discussion.'' No legitimate inventor needs to worry about a post-grant review. In fact, under this section, the PTO cannot even look at a patent unless they determine that it ''more likely than not'' would be invalid. That's a very high standard.

Let's help America grow and succeed and oppose this amendment.

Mr. SCHOCK. Mr. Chairman, I yield 30 seconds to my friend and cosponsor of this amendment, the gentleman from Oklahoma (Mr. BOREN).

Mr. BOREN. Mr. Chairman, I rise today in support of the amendment that I've coauthored with Mr. SCHOCK. During my time in Congress I have been a consistent supporter of small businesses. Here on the House floor we are told nearly every day that small businesses are the engine of our Nation's economy, and there's no discounting that fact.

If included in the final bill, I believe section 18 will pose a devastating threat to America's small business community. Business method patents already endure a lengthy approval process, and section 18 would only make it more difficult for inventors to defend their patents.

I ask my colleagues to support this amendment.

Mr. SMITH of Texas. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. GOODLATTE).

The Acting CHAIR (Mr. YODER). The gentleman from Virginia is recognized for 1¼ minutes.

Mr. GOODLATTE. Mr. Chairman, I rise in opposition to this amendment. There is no doubt that the PTO has issued business method patents of questionable merit over the years. Many of these patents are still on the books. Unfortunately, many of these patents are being used by aggressive trial lawyers to extort money from deep pockets. Section 18 of the bill simply creates a process that allows experts at the PTO to reexamine the types of business method patents that the PTO believes to be of the poorest quality. This section was drafted in close coordination with the USPTO and is a pilot program that simply allows them to review certain business methods patents against the best prior art in a reexamination process.

□ 1610

Why would anyone oppose a process that allows low-quality patents, as identified by the USPTO, to be reviewed by the experts?

Business method patents on financial activities are the type of patents that are the subject of lawsuits and abuse most often. They are litigated at a rate 39 times greater than any other patents. Section 18 is designed to correct a fundamental flaw in the system that is costing consumers millions each year. The provision is supported by a broad bipartisan coalition that includes the U.S. Chamber of Commerce.

I urge Members to reject this amendment, which strikes an important litigation reform provision in the underlying bill.

Mr. SCHOCK. Mr. Chairman, I would like to inquire of my time remaining.

The Acting CHAIR. The gentleman from Illinois has 1½ minutes remaining.

Mr. SCHOCK. I now yield 1 minute to my friend from California (Mr. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I might just say that, in answer to the question raised by my friend from Virginia ''why would anyone oppose this?'' it is because of the Constitution.

This provision, section 18, is clearly violative of the Constitution. It would have you believe that you could go to court, an article III court, and have a final decision—a final judgment—rendered by a court, including a jury. Then after that, there's not an appeal to an appellate court but an appeal somehow back to an administrative agency?

Does anybody sense there is a violation of the separation of powers? Does anybody understand what the Court said in the Plaut case, which said that the Constitution gives the Federal judiciary the power to not merely rule on cases but to decide them subject to review only by superior courts in article III hierarchy?

You can argue all you want, but that's what the Supreme Court says.

This is an obvious, blatant violation of the Constitution. That's the answer to my friends who say we have to have this provision. Yes, it may be that the U.S. Constitution is the inconvenient truth here. We are not allowed to violate it even though we do it with the best of intentions.

The Acting CHAIR. The gentleman from Illinois is recognized for 30 seconds.

Mr. SCHOCK. Mr. Chairman, for so many reasons, this provision of the bill is flawed. I ask my colleagues to join me in supporting the repeal of section 18, and simply ask this:

Regardless of where your support lies as to the underlying bill, why are we doing something separate for financial services patents? Why are we doing something separate for the business method patents? Shouldn't all reforms affect all patents and all industries?

I would argue this is an earmark and a special provision for one industry, and for so many reasons would ask for a ''yes'' vote on my amendment.

Mr. SMITH of Texas. Mr. Chair, I want to clarify that Section 18 is designed to address the problem of low-quality business method patents that are commonly associated with the Federal Circuit's 1998 State Street decision. Not all business method patents are eligible for review by the patent office under Section 18. Towards that end, Section 18 of the bill specifically exempts "patents for technological inventions" from review.

Patents for technological inventions are those patents whose novelty turns on a technological innovation over the prior art and are concerned with a technical problem which is solved with a technical solution. The technological innovation exception does not exclude a patent simply because it recites technology. Inventions related to manufacturing and machines that do not simply use known technology to accomplish a novel business process would be excluded from review under Section 18.

Section 18 would not cover patents related to the manufacture and distribution of machinery to count, sort, and authenticate currency. It is the intention of Section 18 to not review mechanical inventions related to the manufacture and distribution of machinery to count, sort and authenticate currency like change sorters and machines that scan currency whose novelty turns on a technological innovation over the prior art. These types of patents would not be eligible for review under this program.

Mr. SHUSTER. Mr. Chair, I would like to place in the record my understanding that the definition of "covered business method patent," Section 18(d)(1) of H.R. 1249, the America Invents Act, is intended to be narrowly construed to target only those business method patents that are unique to the financial services industry in the sense that they are patents which only a financial services provider would use to furnish a financial product or service. The example that I have been given is a patent relating to electronic check scanning, which is the type of invention that only the financial services industry would utilize as a means of providing improved or more efficient banking services. In contrast, Section 18 would not encompass a patent that can be used in other industries, but which a financial services provider might also use. Lastly, it is also my understanding from discussions with the Committee that Section 18 is targeted only towards patents for non-technological inventions.

Mr. GRIMM. Mr. Chair, I rise in strong support of the America Invents Act. This is a historic bill. It will drive innovation, create jobs, improve patent quality, and reduce frivolous litigation. This is a good bill for current and future patent holders—big and small.

I do rise today with some disappointment, however, that opponents of this bill have recklessly spread misinformation about the bill and some of its most important provisions. The move to first inventor to file is wholly constitutional and it will strengthen the patent system for entrepreneurs and small businesses. They will no longer have to compete with big business to prove the validity of their patents after filing.

Mr. Chair, I would also like to speak to one of the legislation's most important reforms—a crackdown on low-quality business-method patents, which have weakened the patent system and cost companies and their customers millions of dollars in extra fees. Infamous "patent trolls"—people who aggressively try to enforce patents through the courts in friendly venues—have made business-method patents their specialty in recent years.

These same patent trolls have funded an elaborate propaganda campaign targeting the reforms in Section 18. Let us set the record straight—Section 18 simply allows patent experts to re-examine—through a temporary, pilot program—legally questionable business-method patents. A problem the patent office has said it is ready and willing to tackle.

Opponents have asserted that the measure would help only banks. That isn't true. The National Retail Federation and the U.S. Chamber of Commerce have endorsed this bill. Companies impacted include Wal-Mart, Costco, McDonalds, Best Buy, Home Depot, and Lowes. Do any of these companies sound like banks to you? They don't to me, either.

Opponents also claim that this section too is unconstitutional—another untruth. Don't take my word for it—read the words of Judge Michael McConnell—once the most influential federal appeal court judge in the nation—and now the head of the Constitutional Law Center at Stanford Law School: He said, "There is nothing novel or unprecedented, much less unconstitutional, about the procedures proposed," and "we can state with confidence that the proposed legislation is supported by settled precedent."

I think it is time we stop listening to patent trolls who abuse our court system, and start listening to the businesses that drive job creation and economic growth in this country. Support this bill and oppose the Schock-Waters amendment to strike Section 18.

Mr. SCHOCK. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. SCHOCK).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 112–111 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. CONYERS of Michigan.

Amendment No. 3 by Ms. BALDWIN of Wisconsin.

Amendment No. 9 by Mr. CONYERS of Michigan.

Amendment No. 12 by Mr. SENSENBRENNER of Wisconsin.

Amendment No. 13 by Mr. MANZULLO of Illinois.

Amendment No. 14 by Mr. ROHRABACHER of California.

Amendment No. 15 by Mr. SCHOCK of Illinois.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. CONYERS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. CONYERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 105, noes 316, not voting 10, as follows:

[Roll No. 482]

AYES—105

Akin
Andrews
Bachmann
Baldwin
Bartlett
Bass (CA)
Becerra
Benishek
Berman
Bilirakis
Brady (PA)
Broun (GA)
Carson (IN)
Clarke (MI)
Clyburn
Coffman (CO)
Conyers
Costa
Costello
Cravaack
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeLauro
Doyle
Duncan (TN)
Edwards
Ellison
Emerson
Eshoo
Farr
Filner
Frelinghuysen
Fudge
Garrett
Gohmert
Gonzalez
Graves (GA)
Green, Al
Green, Gene
Grijalva
Hanabusa
Hartzler
Hirono
Honda
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Jackson (IL)
Johnson, E. B.
Jones
Kaptur
Kildee
King (IA)
Kucinich
Lee (CA)
Lipinski
Lofgren, Zoe
Long
Luján
Manzullo
Markey
Matsui
McClintock
McNerney
Miller, George
Moore
Pastor (AZ)
Paul
Payne
Pelosi
Petri
Pingree (ME)
Polis
Posey
Rehberg
Rohrabacher
Roybal-Allard
Royce
Rush
Ryan (OH)
Sanchez, Loretta
Schiff
Schilling
Schock
Sensenbrenner
Sewell
Sherman
Slaughter
Southerland
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Visclosky
Waters
Waxman
West
Wolf
Woolsey
Yarmuth

NOES—316

Ackerman
Adams
Aderholt
Alexander
Altmire
Amash
Austria
Baca
Bachus
Barletta
Barrow
Barton (TX)
Bass (NH)
Berkley
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (NY)
Clay
Cleaver
Coble
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Courtney
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Davis (KY)
DeGette
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Ellmers
Engel
Farenthold
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garamendi
Gardner
Gerlach
Gibbs
Gibson
Goodlatte
Gosar
Gowdy
Granger
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanna
Harper
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hochul
Holt
Hoyer
Hurt
Inslee
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Keating
Kelly
Kind
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Paulsen
Pearce
Pence
Perlmutter
Peters
Peterson
Pitts
Platts
Poe (TX)
Pompeo
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Runyan
Ruppersberger
Ryan (WI)
Sarbanes
Scalise
Schakowsky
Schmidt
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Serrano
Sessions
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stark
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Tonko
Tsongas
Upton
Van Hollen
Velázquez
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Watt
Webster
Welch
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Wu
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—10

Berg
Dold
Giffords
Gingrey (GA)
Hinchey
Holden
Napolitano
Rangel
Sánchez, Linda T.
Stivers

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). The Chair notes a disturbance in the gallery in contravention of the laws and rules of the House. The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

ANNOUNCEMENT BY THE ACTING CHAIR

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Arms will remove those persons responsible for the disturbance and restore order to the gallery.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). The Chair notes a disturbance in the gallery in contravention of the laws and rules of the House. The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

□ 1641

Messrs. AUSTRIA, WHITFIELD, BLUMENAUER, Mrs. CAPPS, Messrs. GARAMENDI, NUGENT, FLEMING, MEEHAN, BRALEY, Ms. SCHAKOWSKY, Messrs. DICKS and LANGEVIN changed their vote from ''aye'' to ''no.''

Ms. ESHOO, Messrs. HONDA, PAUL, MCNERNEY, and Mrs. BACHMANN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. DOLD. Mr. Chairman, on rollcall No. 482, I was unavoidably detained. Had I been present, I would have voted "no."

Mrs. NAPOLITANO. Mr. Chair, on Thursday, June 23, 2011, I was absent during rollcall vote No. 482 in order to attend my grandson's graduation. Had I been present, I would have voted "no" on the Conyers (MI)/Rohrabacher (CA) Amendment (No. 2).

(By unanimous consent, Mrs. EMERSON was allowed to speak out of order.)

CONGRESSIONAL WOMEN'S SOFTBALL GAME

Mrs. EMERSON. Mr. Chairman, I am happy to have an announcement that's not quite as exciting as that which we've just been watching. However, this is the Congressional Women's Softball Team, and JOE BACA is an honorary member of the team. He is one of our coaches.

DEBBIE WASSERMAN SCHULTZ and I, who are the cocaptains, wanted to, number one, tell you all that we will be playing the Washington news media tonight at 7 o'clock at Watkins Recreation Park up at 12th and D Streets Southeast.

We invite everybody to come and cheer us on. We are going to win this year. We're good.

Probably more than anything else, this has been a wonderful opportunity for us to really bond as friends and as colleagues, not in any partisan way. And we're just very excited and happy that we're playing tonight. We need all of your support.

I yield to the gentlewoman from Florida, DEBBIE WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Mr. Chair, I want to thank all the women and our male coaches. We've been practicing for 3 months, two or three times a week at 7 in the morning, all to raise money for a great cause, for the Young Survival Coalition, which helps young women who are struggling with breast cancer or who have survived breast cancer. All of you know that I am a breast cancer survivor, along with SUE MYRICK on the other side of the aisle.

But this game is our opportunity to come together as women, as sisters, as a bipartisan representation in the fight against breast cancer. We invite you all out to come to the game tonight, 7 p.m. at Watkins Recreation Center, and watch us beat the Capitol press corps.

AMENDMENT NO. 3 OFFERED BY MS. BALDWIN

The Acting CHAIR. Without objection, 2-minute voting will continue.

There was no objection.

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Wisconsin (Ms. BALDWIN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 81, noes 342, not voting 8, as follows:

[Roll No. 483]

AYES—81

Bachmann
Baldwin
Bartlett
Bilirakis
Broun (GA)
Buerkle
Cardoza
Carson (IN)
Clarke (MI)
Clarke (NY)
Coffman (CO)
Conyers
Critz
Duffy
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Filner
Franks (AZ)
Fudge
Garamendi
Garrett
Gibson
Gonzalez
Gosar
Green, Gene
Hartzler
Hinchey
Hirono
Huelskamp
Hultgren
Hunter
Jackson (IL)
Jones
Kaptur
Kildee
Kind
King (IA)
Kucinich
Larson (CT)
Lee (CA)
Long
Lummis
Manzullo
McClintock
McNerney
Moore
Payne
Pearce
Petri
Pingree (ME)
Polis
Posey
Quigley
Rehberg
Ribble
Rohrabacher
Royce
Rush
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Schiff
Schilling
Schrader
Sensenbrenner
Southerland
Stark
Terry
Towns
Turner
Waters
Webster
West
Woodall
Woolsey
Wu
Yarmuth

NOES—342

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Andrews
Austria
Baca
Bachus
Barletta
Barrow
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duncan (SC)
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gardner
Gerlach
Gibbs
Gohmert
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanabusa
Hanna
Harper
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hochul
Holt
Honda
Hoyer
Huizenga (MI)
Hurt
Inslee
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Keating
Kelly
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Pelosi
Pence
Perlmutter
Peters
Peterson
Pitts
Platts
Poe (TX)
Pompeo
Price (GA)
Price (NC)
Quayle
Rahall
Reed
Reichert
Renacci
Reyes
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Ryan (OH)
Sarbanes
Scalise
Schakowsky
Schmidt
Schock
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stearns
Stutzman
Sullivan
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Watt
Waxman
Welch
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—8

Berg
Giffords
Gingrey (GA)
Grijalva
Holden
Napolitano
Rangel
Stivers

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1648

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. NAPOLITANO. Mr. Chair, on Thursday, June 23, 2011, I was absent during rollcall vote No. 483 in order to attend my grandson's graduation. Had I been present, I would have voted "no" on the Baldwin (WI)/Sensenbrenner (WI) Amendment.

AMENDMENT NO. 9 OFFERED BY MR. CONYERS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. CONYERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and a result was announced, when the following occurred.

POINT OF ORDER

Mr. JACKSON of Illinois. Mr. Chairman, point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. JACKSON of Illinois. The gentlelady was in the well attempting to cast her vote. The Chair did not acknowledge that the gentlelady was in the well and continued to conclude the vote. I think it's appropriate that the House of Representatives, consistent with its rules, and Lord knows, I've been in your position many times, and I've had to stop the vote because a Member was in the well.

It is the tradition of the House to acknowledge a Member in the well when they are casting their ballot, and it does not get shut off.

I would like to make a motion that we reconsider the vote.

The Acting CHAIR. The Chair is constrained to advise the gentleman that a motion to reconsider is not available in the Committee of the Whole.

Ms. ZOE LOFGREN of California. Mr. Chairman, I would ask unanimous consent that the vote be retaken. We had a tremendous effort that consumed money and time for a similar incident in a previous Congress. The smart thing to do would be to recognize this was error, and redo the vote so that we can all move forward in comity.

Mr. CANTOR. Mr. Chairman, I support the request for unanimous consent.

The Acting CHAIR. Without objection, the proceedings are vacated to the end that the question be put de novo.

There was no objection.

The Acting CHAIR. The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The Acting CHAIR. The question is on the amendment.

The question was taken; and the Acting Chair announced that the noes appeared to have it.

RECORDED VOTE

Mr. HOYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The Acting CHAIR. Without objection, 2-minute voting will continue.

There was no objection.

The vote was taken by electronic device, and there were—ayes 223, noes 198, not voting 10, as follows:

[Roll No. 485]

AYES—223

Alexander
Andrews
Baca
Bachmann
Baldwin
Bartlett
Bass (CA)
Becerra
Berman
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boustany
Brady (PA)
Braley (IA)
Broun (GA)
Brown (FL)
Buerkle
Burton (IN)
Calvert
Cantor
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Duncan (TN)
Edwards
Ellison
Emerson
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Fortenberry
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett
Gohmert
Gonzalez
Graves (GA)
Green, Al
Green, Gene
Griffith (VA)
Grijalva
Gutierrez
Hanabusa
Harris
Hastings (FL)
Heinrich
Hensarling
Higgins
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Huelskamp
Hultgren
Hunter
Israel
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
King (IA)
Kingston
Kissell
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren, Zoe
Long
Luján
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Markey
Matsui
McCarthy (CA)
McClintock
McDermott
McGovern
McHenry
McNerney
Meehan
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Nadler
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Pelosi
Pence
Perlmutter
Peters
Petri
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quigley
Rahall
Rehberg
Renacci
Reyes
Richardson
Richmond
Rogers (MI)
Rohrabacher
Roskam
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Southerland
Speier
Stark
Sutton
Terry
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Webster
Welch
Wilson (FL)
Wolf
Woodall
Woolsey
Wu
Yarmuth
Yoder

NOES—198

Ackerman
Adams
Aderholt
Akin
Altmire
Amash
Austria
Bachus
Barletta
Barrow
Barton (TX)
Bass (NH)
Benishek
Berkley
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Bonner
Bono Mack
Boren
Boswell
Brady (TX)
Brooks
Buchanan
Bucshon
Burgess
Butterfield
Camp
Campbell
Canseco
Capito
Carney
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Ellmers
Engel
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Gardner
Gerlach
Gibbs
Gibson
Goodlatte
Gosar
Gowdy
Granger
Graves (MO)
Griffin (AR)
Grimm
Guinta
Guthrie
Hanna
Harper
Hartzler
Hastings (WA)
Hayworth
Heck
Herger
Herrera Beutler
Himes
Hochul
Huizenga (MI)
Hurt
Inslee
Issa
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (NY)
Kinzinger (IL)
Kline
Labrador
Lamborn
Landry
Lankford
LaTourette
Latta
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Lummis
Mack
Marchant
Marino
Matheson
McCarthy (NY)
McCaul
McCollum
McCotter
McKeon
McKinley
McMorris Rodgers
Meeks
Mica
Miller (FL)
Miller, Gary
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Peterson
Pingree (ME)
Pitts
Platts
Price (NC)
Quayle
Reed
Reichert
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rokita
Rooney
Ros-Lehtinen
Ross (AR)
Ross (FL)
Runyan
Ruppersberger
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (TX)
Stearns
Stutzman
Sullivan
Thompson (PA)
Thornberry
Tiberi
Tipton
Upton
Walberg
Walden
Walsh (IL)
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—10

Berg
Giffords
Gingrey (GA)
Hall
Holden
McIntyre
Napolitano
Rangel
Stivers
Waxman

□ 1659

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. NAPOLITANO. Mr. Chair, on Thursday, June 23, 2011, I was absent during rollcall vote #485 in order to attend my grandson's graduation. Had I been present, I would have voted "aye" on the Conyers (MI)/Markey (MA)/Neal (MA)/Pompeo (KS)/Garrett (NJ) Amendment (#9).

AMENDMENT NO. 12 OFFERED BY MR. SENSENBRENNER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 129, noes 295, not voting 7, as follows:

[Roll No. 486]

AYES—129

Aderholt
Akin
Amash
Bachmann
Baldwin
Bartlett
Benishek
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Brady (PA)
Brooks
Broun (GA)
Buerkle
Burgess
Burton (IN)
Chaffetz
Clarke (MI)
Coble
Coffman (CO)
Cole
Conyers
Costello
Cravaack
Davis (CA)
Davis (KY)
DeFazio
Doyle
Duncan (TN)
Edwards
Ellmers
Emerson
Eshoo
Farr
Filner
Flake
Fortenberry
Franks (AZ)
Frelinghuysen
Garamendi
Garrett
Gibson
Gohmert
Gonzalez
Gosar
Graves (GA)
Green, Gene
Grijalva
Hanabusa
Harper
Hartzler
Hinchey
Hirono
Honda
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Johnson, E. B.
Jones
Kaptur
Kildee
King (IA)
Kingston
Kucinich
Labrador
Landry
Lee (CA)
Lipinski
Lofgren, Zoe
Long
Luján
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Markey
Matsui
McClintock
McCotter
McNerney
Miller (FL)
Miller, George
Moore
Nunnelee
Pastor (AZ)
Paul
Payne
Pearce
Pelosi
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis
Posey
Rehberg
Rohrabacher
Royce
Rush
Ryan (OH)
Sanchez, Loretta
Schiff
Schilling
Schmidt
Schock
Scott, Austin
Sensenbrenner
Slaughter
Smith (NE)
Southerland
Speier
Sullivan
Terry
Thompson (PA)
Tierney
Turner
Visclosky
Webster
West
Westmoreland
Wilson (FL)
Wilson (SC)
Wolf
Woodall
Woolsey
Young (AK)
Young (FL)

NOES—295

Ackerman
Adams
Alexander
Altmire
Andrews
Austria
Baca
Bachus
Barletta
Barrow
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Black
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brown (FL)
Buchanan
Bucshon
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chandler
Chu
Cicilline
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Conaway
Connolly (VA)
Cooper
Costa
Courtney
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (IL)
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Ellison
Engel
Farenthold
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Foxx
Frank (MA)
Fudge
Gallegly
Gardner
Gerlach
Gibbs
Goodlatte
Gowdy
Granger
Graves (MO)
Green, Al
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanna
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hochul
Holt
Hoyer
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Keating
Kelly
Kind
King (NY)
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Lynch
Mack
Maloney
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Neal
Neugebauer
Noem
Nugent
Nunes
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Paulsen
Pence
Perlmutter
Peters
Peterson
Platts
Pompeo
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, David
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NJ)
Smith (TX)
Smith (WA)
Stark
Stearns
Stutzman
Sutton
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tipton
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Whitfield
Wittman
Womack
Wu
Yarmuth
Yoder
Young (IN)

NOT VOTING—7

Berg
Giffords
Gingrey (GA)
Holden
Napolitano
Rangel
Stivers

□ 1703

Mr. THOMPSON of California changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. WOODALL. Mr. Chair, on rollcall No. 486, had I been present, I would have voted ''yes.''

Stated against:

Mrs. NAPOLITANO. Mr. Chair, on Thursday, June 23, 2011, I was absent during rollcall vote No. 486 in order to attend my grandson's graduation. Had I been present, I would have voted ''nay'' on the Sensenbrenner (WI) Amendment.

AMENDMENT NO. 13 OFFERED BY MR. MANZULLO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. MANZULLO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 92, noes 329, not voting 10, as follows:

[Roll No. 487]

AYES—92

Adams
Amash
Baldwin
Bartlett
Barton (TX)
Benishek
Bilbray
Bilirakis
Boren
Brooks
Broun (GA)
Buerkle
Burgess
Burton (IN)
Cardoza
Chaffetz
Coffman (CO)
Cole
Conyers
Costa
Cravaack
Davis (IL)
Dold
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Engel
Farenthold
Flake
Franks (AZ)
Frelinghuysen
Garrett
Gibson
Gosar
Gowdy
Graves (GA)
Harris
Hartzler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Jenkins
Jones
Kaptur
Kingston
Landry
Lipinski
Long
Lummis
Mack
Manzullo
McClintock
McCotter
Miller (FL)
Moore
Mulvaney
Nugent
Nunnelee
Paul
Pearce
Petri
Polis
Posey
Rehberg
Ribble
Rohrabacher
Rokita
Royce
Ryan (WI)
Sanchez, Loretta
Schilling
Schmidt
Schock
Scott (SC)
Scott, Austin
Sensenbrenner
Stutzman
Terry
Thompson (PA)
Towns
Turner
Walsh (IL)
Webster
West
Westmoreland
Wilson (SC)
Wolf
Young (FL)
Young (IN)

NOES—329

Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brown (FL)
Buchanan
Bucshon
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Connolly (VA)
Cooper
Costello
Courtney
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell

Doggett
Donnelly (IN)
Doyle
Dreier
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Fudge
Gallegly
Garamendi
Gardner
Gerlach
Gibbs
Gohmert
Gonzalez
Goodlatte
Granger
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanabusa
Hanna
Harper
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maloney
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McHenry
McIntyre
McKinley
McNerney
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moran
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Neal
Neugebauer
Noem
Nunes
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pelosi
Pence
Perlmutter
Peters
Peterson
Pingree (ME)
Pitts
Platts
Poe (TX)
Pompeo
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Reichert
Renacci
Reyes
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schrader
Schwartz
Schweikert
Scott (VA)
Scott, David
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Sullivan
Sutton
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Whitfield
Wilson (FL)
Wittman
Womack
Woolsey
Wu
Yarmuth
Yoder
Young (AK)

NOT VOTING—10

Berg
Giffords
Gingrey (GA)
Holden
McKeon
McMorris Rodgers
Napolitano
Rangel
Stivers
Woodall

□ 1707

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. NAPOLITANO. Mr. Speaker, on Thursday, June 23, 2011, I was absent during rollcall vote No. 487 in order to attend my grandson's graduation. Had I been present, I would have voted "nay" on the Manzullo (IL) Amendment.

AMENDMENT NO. 14 OFFERED BY MR. ROHRABACHER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROHRABACHER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 81, noes 342, not voting 8, as follows:

[Roll No. 488]

AYES—81

Akin
Bachmann
Baldwin
Bartlett
Barton (TX)
Benishek
Bilbray
Bilirakis
Bishop (UT)
Brady (PA)
Burgess
Coffman (CO)
Cole
Conyers
Costello
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Emerson
Fattah
Filner
Flake
Franks (AZ)
Frelinghuysen
Garamendi
Gibson
Gohmert
Gosar
Green, Gene
Grijalva
Hall
Harris
Hartzler
Hirono
Holt
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Inslee
Jones
Kaptur
King (IA)
Kingston
Kissell
Kucinich
Landry
Latham
Lipinski
Manzullo
Markey
McCotter
McNerney
Miller (FL)
Pastor (AZ)
Paul
Pearce
Petri
Polis
Posey
Rehberg
Reyes
Rohrabacher
Royce
Ryan (OH)
Sanchez, Loretta
Schilling
Scott, Austin
Sensenbrenner
Southerland
Stutzman
Sutton
Thompson (PA)
Tonko
Turner
Walsh (IL)
Waters
Webster
West
Wolf

NOES—342

Ackerman
Adams
Aderholt
Alexander
Altmire
Amash
Andrews
Austria
Baca
Bachus
Barletta
Barrow
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Connolly (VA)
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Ellmers
Engel
Eshoo
Farenthold
Farr
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Fudge
Gallegly
Gardner
Gerlach
Gibbs
Gonzalez
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hanabusa
Hanna
Harper
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hochul
Honda
Hoyer
Hurt
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Keating
Kelly
Kildee
Kind
King (NY)
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Marino
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Paulsen
Payne
Pelosi
Pence
Perlmutter
Peters
Peterson
Pingree (ME)
Pitts
Platts
Poe (TX)
Pompeo
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Reichert
Renacci
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, David
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stark
Stearns
Sullivan
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Tipton
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Wasserman Schultz
Watt
Waxman
Welch
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Woolsey
Wu
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—8

Berg
Garrett
Giffords
Gingrey (GA)
Holden
Napolitano
Rangel
Stivers

□ 1712

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. NAPOLITANO. Mr. Chair, on Thursday, June 23, 2011, I was absent during rollcall vote No. 488 in order to attend my grandson's graduation. Had I been present, I would have

voted "nay" on the Rohrabacher (CA)/Kaptur (OH) Amendment.

AMENDMENT NO. 15 OFFERED BY MR. SCHOCK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. SCHOCK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 158, noes 262, answered ''present'' 1, not voting 10, as follows:

[Roll No. 489]

AYES—158

Aderholt	Gonzalez	Pearce
Akin	Gosar	Pelosi
Amash	Grijalva	Petri
Andrews	Gutierrez	Pingree (ME)
Baca	Hanabusa	Poe (TX)
Bachmann	Harris	Polis
Baldwin	Hartzler	Quigley
Bartlett	Hinchey	Rahall
Becerra	Hirono	Rehberg
Berman	Honda	Rogers (MI)
Bilirakis	Huelskamp	Rohrabacher
Bishop (UT)	Hunter	Rokita
Bono Mack	Inslee	Ross (AR)
Boren	Israel	Rothman (NJ)
Brady (PA)	Jackson (IL)	Roybal-Allard
Brown (FL)	Jackson Lee (TX)	Ryan (OH)
Buerkle	Jones	Sánchez, Linda T.
Burgess	Kaptur	Sanchez, Loretta
Capps	Kildee	Sarbanes
Carson (IN)	King (IA)	Schakowsky
Chandler	Kingston	Schiff
Chu	Kucinich	Schilling
Clarke (MI)	Labrador	Schock
Coffman (CO)	Lankford	Scott, Austin
Cole	Larsen (WA)	Sensenbrenner
Conyers	Lee (CA)	Serrano
Costello	Levin	Shimkus
Crawford	Lipinski	Slaughter
Critz	Lofgren, Zoe	Smith (NE)
Davis (CA)	Long	Smith (WA)
Davis (IL)	Luján	Southerland
DeFazio	Lummis	Speier
DeLauro	Lungren, Daniel E.	Stark
Denham	Manzullo	Stutzman
Dent	Markey	Sutton
Dingell	Matsui	Thompson (CA)
Doggett	McClintock	Thompson (PA)
Doyle	McDermott	Tierney
Duncan (TN)	McNerney	Tsongas
Edwards	Michaud	Turner
Ellison	Miller (FL)	Van Hollen
Ellmers	Miller (NC)	Visclosky
Emerson	Miller, George	Waters
Eshoo	Moore	Waxman
Farr	Nunes	Webster
Fattah	Nunnelee	West
Filner	Olver	Wolf
Flake	Pallone	Woolsey
Fortenberry	Pascrell	Yarmuth
Franks (AZ)	Pastor (AZ)	Young (AK)
Fudge	Paul	Young (FL)
Gallegly	Payne	Young (IN)
Garamendi		
Garrett		

NOES—262

Ackerman	Barton (TX)	Black
Adams	Bass (NH)	Blackburn
Alexander	Benishek	Blumenauer
Altmire	Berkley	Bonner
Austria	Biggert	Boswell
Bachus	Bilbray	Boustany
Barletta	Bishop (GA)	Brady (TX)
Barrow	Bishop (NY)	Braley (IA)
Brooks	Harper	Olson
Broun (GA)	Hastings (FL)	Owens
Buchanan	Hastings (WA)	Palazzo
Bucshon	Hayworth	Paulsen
Burton (IN)	Heck	Pence
Butterfield	Heinrich	Perlmutter
Calvert	Hensarling	Peters
Camp	Herger	Peterson
Campbell	Herrera Beutler	Pitts
Canseco	Higgins	Platts
Cantor	Himes	Pompeo
Capito	Hinojosa	Posey
Capuano	Hochul	Price (GA)
Cardoza	Holt	Price (NC)
Carnahan	Hoyer	Quayle
Carney	Huizenga (MI)	Reed
Carter	Hultgren	Reichert
Cassidy	Hurt	Renacci
Castor (FL)	Issa	Reyes
Chabot	Jenkins	Ribble
Chaffetz	Johnson (GA)	Richardson
Cicilline	Johnson (IL)	Richmond
Clarke (NY)	Johnson (OH)	Rigell
Clay	Johnson, E. B.	Rivera
Cleaver	Johnson, Sam	Roby
Clyburn	Jordan	Roe (TN)
Coble	Keating	Rogers (AL)
Cohen	Kelly	Rogers (KY)
Conaway	Kind	Rooney
Connolly (VA)	King (NY)	Ros-Lehtinen
Cooper	Kinzinger (IL)	Roskam
Costa	Kissell	Ross (FL)
Courtney	Kline	Royce
Cravaack	Lamborn	Runyan
Crenshaw	Lance	Ruppersberger
Crowley	Landry	Rush
Cuellar	Langevin	Ryan (WI)
Culberson	Larson (CT)	Scalise
Cummings	Latham	Schmidt
Davis (KY)	LaTourette	Schrader
DeGette	Latta	Schwartz
DesJarlais	Lewis (CA)	Schweikert
Deutch	Lewis (GA)	Scott (SC)
Diaz-Balart	LoBiondo	Scott (VA)
Dicks	Loebsack	Scott, David
Dold	Lowey	Sessions
Donnelly (IN)	Lucas	Sewell
Dreier	Luetkemeyer	Sherman
Duffy	Lynch	Shuler
Duncan (SC)	Mack	Shuster
Engel	Maloney	Simpson
Farenthold	Marchant	Sires
Fincher	Marino	Smith (NJ)
Fitzpatrick	Matheson	Smith (TX)
Fleischmann	McCarthy (CA)	Stearns
Fleming	McCarthy (NY)	Sullivan
Flores	McCaul	Terry
Forbes	McCollum	Thompson (MS)
Foxx	McCotter	Thornberry
Frank (MA)	McGovern	Tiberi
Frelinghuysen	McHenry	Tipton
Gardner	McIntyre	Tonko
Gerlach	McKeon	Towns
Gibbs	McMorris Rodgers	Upton
Gibson	Meehan	Velázquez
Gohmert	Meeks	Walberg
Goodlatte	Mica	Walden
Gowdy	Miller (MI)	Walsh (IL)
Granger	Miller, Gary	Walz (MN)
Graves (GA)	Moran	Wasserman Schultz
Graves (MO)	Mulvaney	Westmoreland
Green, Al	Murphy (CT)	Whitfield
Green, Gene	Murphy (PA)	Wilson (FL)
Griffin (AR)	Myrick	Wilson (SC)
Griffith (VA)	Nadler	Wittman
Grimm	Neal	Womack
Guinta	Neugebauer	Woodall
Guthrie	Noem	Wu
Hall	Nugent	Yoder
Hanna		

ANSWERED ''PRESENT''—1

Watt

NOT VOTING—10

Bass (CA)	Holden	Stivers
Berg	McKinley	Welch
Giffords	Napolitano	
Gingrey (GA)	Rangel	

□ 1715

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. NAPOLITANO. Mr. Chair, on Thursday, June 23, 2011, I was absent during rollcall vote No. 489 in order to attend my grandson's graduation. Had I been present, I would have voted "yea" on the Schock (IL)/Boren (OK)/Waters (CA)/Sensenbrenner (WI)/Franks (AZ)/Kaptur (OH) Amendment.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATHAM) having assumed the chair, Mr. YODER, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2149) to amend title 35, United States Code, to provide for patent reform, and, pursuant to House Resolution 316, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. MILLER of North Carolina. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MILLER of North Carolina. I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MILLER of North Carolina moves to recommit the bill H.R. 1249 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Add at the end of the bill the following (and conform the table of contents accordingly):

SEC. 34. PRIORITY IN PROCESSING PATENT APPLICATIONS.

(a) PRIORITY.—The Director shall prioritize patent applications filed under title 35, United States Code, by entities that pledge to develop or manufacture their products, processes, and technologies in the United States, including, specifically, those filed by small businesses and individuals.

(b) DENIAL OF PRIORITY.—The Director shall not grant prioritization for patent applications filed under title 35, United States Code, by foreign entities that are nationals of any country that the Director has found to deny—

(1) adequate and effective protection for patent rights; or

(2) fair and equitable access for persons that rely on patent protection.

□ 1720

The SPEAKER pro tempore. The gentleman from North Carolina is recognized for 5 minutes.

Mr. MILLER of North Carolina. The consideration of this bill has been bipartisan to this point, and that certainly does not need to change now. This motion to recommit does not really send it back to committee. It certainly doesn't kill it. It is consistent with the spirit of the bill. This is simply the last amendment and should be considered in the same bipartisan way all the other amendments have been considered.

Mr. Speaker, our future prosperity does depend upon our being the most innovative country in the world, the most innovative economy in the world. American scientists and American engineers are doing great work. We are doing some of the most advanced, sophisticated research in the world. For instance, we lead the world in solar cell research. We are making some of the greatest breakthroughs in that technology. Much of it is funded by the Department of Energy or by other Federal research programs. But 80 percent of the manufacturing of solar cells is being done in Asia, mostly in China.

What is happening is that firms are getting Federal funds to do research to improve solar cell technology. They're developing advanced technology, but when the time comes to manufacture a product coming out of that research, those firms are contracting with Chinese manufacturers to make the products. That is just one example of companies that are doing research here but manufacturing somewhere else when American workers need good manufacturing jobs.

Mr. Speaker, the benefit of innovation should not just be higher profits for American corporations. The benefit should be good jobs for American workers. Under this motion to recommit, those companies will still get their patents, but they don't go to the front of the line. The people who go to the front of the line are those who will pledge that they will do their manufacturing here in the United States, creating good jobs for American workers.

Second, we all know that there are countries in the world that don't really respect American patent rights and that don't treat American inventors fairly when they try to get patents in those countries. This motion to recommit will still allow those inventors, people from those countries, to get patents. We will treat them better than their countries treat American inventors. But they go to the back of the line. They do not get priority when it comes time to have their patents considered.

Help American workers share in the prosperity that comes from American innovation from our research, from our innovation. Support this motion to recommit.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Mr. Speaker, I oppose the motion to recommit and urge my colleagues to defeat it. The America Invents Act is the culmination of 6 years of effort. During this time, the House and Senate Judiciary Committees conducted 23 hearings on patent reform and brokered numerous negotiations among Members and stakeholders. H.R. 1249 has garnered bipartisan and widespread support. This bill improves patent integrity in PTO operations. The bill helps businesses from a broad range of industries, independent inventors, and universities.

But the biggest winners are the American people. They will get more job opportunities and greater consumer choices. This amendment would mean that U.S. companies and inventors would be discriminated against all over the world when they file. It would be open season on American innovators and businesses. We would no longer be able to sell products abroad, and IP theft of U.S. goods would become rampant.

Mr. Speaker, this motion to recommit also consigns our patent system to the one created in the 1952 Patent Act, an era of landline telephones, TVs that offered three fuzzy black-and-white channels, and the manual typewriter. We need to update our patent system, and we need to do it now.

Oppose the motion to recommit and support H.R. 1249.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes have it.

RECORDED VOTE

Mr. MILLER of North Carolina. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 172, noes 251, not voting 8, as follows:

[Roll No. 490]

AYES—172

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Connolly (VA)
Conyers
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Fattah
Filner
Fudge
Garamendi
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—251

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berman
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cohen
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Eshoo
Farenthold
Farr
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holt
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Lofgren, Zoe
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney

Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Watt
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—8

Berg
Giffords
Gingrey (GA)
Holden
Lamborn
Napolitano
Rangel
Stivers

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1743

Mr. FRANK of Massachusetts changed his vote from ''aye'' to ''no.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on Thursday, June 23, 2011, I was absent during rollcall vote No. 490 in order to attend my grandson's graduation. Had I been present, I would have voted "yea" on the Motion to Recommit H.R. 1249—America Invents Act.

The SPEAKER pro tempore (Mr. YODER). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SMITH of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 304, noes 117, not voting 10, as follows:

[Roll No. 491]

AYES—304

Ackerman
Adams
Alexander
Altmire
Austria
Baca
Bachus
Barletta
Barrow
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brown (FL)
Buchanan
Bucshon
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chandler
Chu
Cicilline
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Courtney
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
DeLauro
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Ellison
Ellmers
Engel
Farenthold
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gardner
Gerlach
Gibbs
Goodlatte
Gowdy
Granger
Graves (MO)
Green, Al
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanabusa
Hanna
Harper
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hochul
Holt
Hoyer
Huizenga (MI)
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Keating
Kelly
King (NY)
Kinzinger (IL)
Kissell
Kline
Labrador
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Long
Lowey
Lucas
Luetkemeyer
Lynch
Maloney
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Neal
Neugebauer
Noem
Nugent
Nunes
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Paulsen
Pence
Perlmutter
Peters
Peterson
Platts
Poe (TX)
Pompeo
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schmidt
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, David
Serrano
Sessions
Sewell
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stearns
Stutzman
Sullivan
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Upton
Van Hollen
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Watt
Welch
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Wu
Yarmuth
Yoder
Young (AK)
Young (IN)

NOES—117

Aderholt
Akin
Amash
Andrews
Bachmann
Baldwin
Bartlett
Benishek
Bilirakis
Bishop (UT)
Brady (PA)
Brooks
Broun (GA)
Buerkle
Burgess
Burton (IN)
Chaffetz
Clarke (MI)
Coffman (CO)
Conyers
Costello
Cravaack
Davis (KY)
DeFazio
DeGette
Denham
Duncan (SC)
Duncan (TN)
Edwards
Emerson
Eshoo
Farr
Filner
Flake
Fortenberry
Franks (AZ)
Garamendi
Garrett
Gibson
Gohmert
Gonzalez
Gosar
Graves (GA)
Green, Gene
Grijalva
Hartzler
Hinchey
Hirono
Honda
Huelskamp
Hultgren
Hunter
Jones
Kaptur
Kildee
Kind
King (IA)
Kingston
Kucinich
Lamborn
Landry
Lee (CA)
Lipinski
Lofgren, Zoe
Luján
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey
Matsui
McClintock
McCotter
McNerney
Miller (FL)
Miller, George
Moore
Nunnelee
Pastor (AZ)
Paul
Payne
Pearce
Pelosi
Petri
Pingree (ME)
Posey
Rehberg
Rohrabacher
Royce
Rush
Ryan (OH)
Sanchez, Loretta
Schiff
Schilling
Schock
Scott, Austin
Sensenbrenner
Sherman
Slaughter
Smith (NE)
Southerland
Stark
Sutton
Terry
Thompson (PA)
Tsongas
Turner
Velázquez
Visclosky
Waters
Waxman
Webster
West
Wolf
Woolsey
Young (FL)

NOT VOTING—10

Berg
Giffords
Gingrey (GA)
Holden
Meeks
Napolitano
Pitts
Polis
Rangel
Stivers

□ 1749

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on Thursday, June 23, 2011, I was absent during rollcall vote No. 491 in order to attend my grandson's graduation. Had I been present, I would have voted "yea" on H.R. 1249—America Invents Act.

Mr. GINGREY of Georgia. Mr. Speaker, on rollcall No. 491 on final passage of H.R. 1249, the America Invents Act, I am not recorded because I was absent due to a death in my family which required me to immediately return to Georgia. Had I been present, I would have vote "aye."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1249, AMERICA INVENTS ACT

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that the clerk be authorized to make technical corrections in the engrossment of H.R. 1249, to include corrections in spelling, punctuation, section numbering and cross-referencing, the insertion of appropriate headings, and the insertion of the word ''written'' in the appropriate place in the instruction in amendment No. 1 to strike material on lines 23 through 25 on page 114.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the