

Trust." It is not to the side. It is not below it. It is above it, symbolic of what we do each day, that we pray and then we have the Pledge of Allegiance. So I strongly support this legislation to make sure that the Architect of the Capitol does not deny our religious history. Put it in its proper perspective, because religion is a part of our history, whether the Architect of the Capitol likes it or not.

And that's just the way it is.

Mr. GINGREY of Georgia. Mr. Speaker, I rise today in strong support of H. Con. Res. 131, a resolution urging the Architect of the Capitol to engrave the Pledge of Allegiance to the Flag and the National Motto of "In God We Trust" in the Capitol Visitor Center.

The Pledge of Allegiance is an excellent example of national solidarity for all Americans and the foremost demonstration of America as "one nation, under God, with liberty and justice for all." These words illustrate an eternal commitment to a nation unified by a common history, identity, and Constitution. The Pledge further represents that if God gives you a right, then no man should have the power to take it away. This is the premise of our nation, our rights, and our system of law, and it must be upheld in an effort to never lose sight of the fact that we are bound together as one nation—common in purpose—endeavoring to provide an open and free democracy for all of mankind.

"In God We Trust" was codified as our national motto in 1956 in recognition of the Judeo-Christian values upon which our nation is founded. Faith has always been a very important part of American history and culture, and I believe that it is imperative to uphold this cornerstone of our heritage to preserve the rights of all Americans to worship freely and openly. I am proud that my home state of Georgia has recognized "God" in its own Constitution and seeks to maintain a reliance on faith in God as one of its founding principles.

Mr. Speaker, I want to make clear that the Pledge of Allegiance and our national motto are two public illustrations of the values to which we hold firmly in America. These two principles are demonstrated in this very chamber by our opening of each legislative day with prayer and by reciting the Pledge of Allegiance to the Flag. One need look no further than behind the chair of the Speaker of this great body to see the inscription of "In God We Trust." These two testaments of our founding must remain the stronghold of American values and continue to be espoused in every public meeting.

Therefore, it is with great pride and honor that I stand here today to advocate for the engraving of the Pledge of Allegiance and our national motto in the newly constructed Capitol Visitor Center. Displaying these two documents prominently in an open arena for all tourists and citizens is just one more reminder of the founding and enduring principles of our nation, of which we must be reminded daily. As lawmakers, we must never cease to instill the doctrine of democracy and freedom of religion for the entire world, and by displaying these words in our nation's capitol we are only reaffirming our dedication to this endeavor. I urge all of colleagues to support this resolution and to hold steadfast to the values upon which our great nation was founded.

Mr. HARPER. Mr. Speaker, I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 131.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HARPER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### U.S. PATENT AND TRADEMARK OFFICE FUNDING

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3114) to authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3114

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

#### SECTION 1. AUTHORITY OF PTO DIRECTOR TO USE TRADEMARK FUNDS.

(a) AUTHORITY.—

(1) IN GENERAL.—The Director of the United States Patent and Trademark Office—

(A) may use funds made available for fiscal year 2009, pursuant to section 31 of the Trademark Act of 1946 (15 U.S.C. 1113), under the heading "Department of Commerce—United States Patent and Trademark Office—Salaries and Expenses" in title I of division B of the Omnibus Appropriations Act, 2009 (Public Law 111-8), up to \$70,000,000, to support the processing of patents and other activities, services, and materials relating to patents, notwithstanding section 42(c) of title 35, United States Code; and

(B) notwithstanding any other provision of law, shall, upon the exercise of the authority under subparagraph (A), establish a surcharge, in amounts up to \$70,000,000, on patent fees in effect under title 35, United States Code, to repay any funds drawn down pursuant to subparagraph (A),

if the Director certifies in writing to the Congress that the use of the funds described in subparagraph (A) is reasonably necessary to avoid furloughs or a reduction-in-force, or both, in the United States Patent and Trademark Office, and does not create a substantial risk of a furlough or reduction-in-force of personnel working in the Trademark Operation of the United States Patent and Trademark Office.

(2) SURCHARGES DEPOSITED IN TREASURY.—All surcharges paid under paragraph (1)(B) shall be deposited in the Treasury as an off-

setting receipt that shall not be available for obligation or expenditure.

(b) LIMITATIONS ON AUTHORITY.—The authority under subsection (a)(1)(A) shall terminate on June 30, 2010. The surcharge established under subsection (a)(1)(B) shall take effect no later than September 30, 2011, and all funds drawn down pursuant to subsection (a)(1)(A) shall be repaid pursuant to subsection (a)(1)(B) no later than September 30, 2014.

(c) DEFINITIONS.—In this section:

(1) DIRECTOR.—The terms "Director of the United States Patent and Trademark Office" and "Director" mean the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

(2) TRADEMARK ACT OF 1946.—The term "Trademark Act of 1946" means the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

#### GENERAL LEAVE

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill will help the Patent and Trademark Office retain educated and trained employees who face the possibility of furlough and reduction in force due to the current economic downturn.

It is with great urgency that I bring this bill to the floor today. We have recently been informed by the Department of Commerce and the Patent and Trademark Office that the current downturn in patent fee revenues could lead to employee furlough.

The USPTO is a user-fee funded organization, and the downturn in the economy has led to a steep drop in revenues. USPTO management has already shaved over \$120 million from its current budget through various cost savings; however, June's receipts show that those cuts may not be sufficient. A budget shortfall is a very real possibility, which could necessitate furloughs and, if severe enough, a reduction in force.

Now is not the time to impede the essential economic stimulating activity at the Patent Office. Now more than ever, we need to foster innovation to help the U.S. economy rebound.

This century has seen an explosion in the number of patent applications filed, and even though the PTO has hired over 1,000 examiners each year

for the past several years, this explosion has led to a current inventory of about 1.2 million pending applications. That is 1.2 million potential patents that could provide the foundation for new businesses and new jobs.

Because of this backlog, inventors are waiting an average of 32 months to get their patents approved, and in some areas, such as communications and computer-related technologies, the wait is much longer. This backlog means a delay in the creation of new products or startup companies that would generate new jobs and research and development investment.

Now is not the time to exacerbate this problem. Furloughing employees will only increase the backlog and the consequent delays. In order to help the USPTO get through the next year, we have identified an approximately \$60 million surplus in the trademark operation at the USPTO.

The bill we are considering today would permit the Director of the USPTO to use a portion of that surplus to prevent the furlough of USPTO employees. Rest assured, Mr. Speaker, this is not robbing Peter to pay Paul. Any trademark money used for patent operations will be recovered by a surcharge on the patent fees paid by those who benefit from the efforts of the patent workforce.

I think it is pretty shameful that throughout the years we have not fully funded the number of employees that this agency needs to fulfill its mandate and so now in the 111th Congress we are seeking to use this lull period, if you will, because the number of applications will pick up, but we can use this period with our employees, our current employees, to put a dent in those 1.2 million applications that exist currently that are on file. This inefficiency in government with respect to the Patent and Trademark Office stifles commercial activity, and it just doesn't make any sense for the agency to not have been funded to begin with and staffed with an adequate amount of employees to meet the demand.

It is our understanding, Mr. Speaker, that with the Department of Commerce and the USPTO agreement, that the money raised by the surcharge will be used to pay the trademark operation for the money borrowed from it. The surcharge will be no more and no less than what is needed to repay the loan.

□ 1530

This bill is a limited and temporary exception to the statutory fence built around trademark fees. It will last only until June 30 of next year and requires that all fees used for patent payroll purposes will be recovered through surcharges on the patent operation. And it ensures, Mr. Speaker, that furloughs or reduction-in-force will not occur in the trademark operation as a consequence of the patent operations needs.

This bill will ensure that we retain the highly qualified and experienced patent examiners that helped

innovators protect important technological gains, and we certainly need to do all that we can, now especially, to make it more efficient for those who would create new products in this rapidly changing environment that will lead to jobs for our citizens.

I urge my colleagues to join me in supporting this important measure.

Mr. Speaker, I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Given the ongoing economic downturn in this country, patent fee collections at the Patent and Trademark Office are running short, based on earlier estimates. If things do not improve, the agency must initiate furloughs of its staff in the fall, an outcome that no one wants.

Aside from affecting the individual workers, mostly examiners, these furloughs would create another setback in the effort to reduce application backlogs and expedite the processing of new applications.

The agency has already reduced its operating plan for fiscal year 2009 by \$120 million and is pursuing another \$125 million in cuts. But the PTO cannot accurately estimate at this time how much additional revenue it needs to survive through this fiscal year. H.R. 3114 responds to this crisis by allowing the director to shift necessary funds from the trademark ledger to patent operations through June 30, 2010, less than 1 year from now.

The bill also requires the Patent Office to reimburse the Trademark Office for any funds reassigned to it within the CBO's 5-year scoring window. The bill also is an appropriate legislative response because trademark operations currently have a projected surplus of \$60 million to \$70 million.

In addition, there is precedence for allowing such an intra-agency revenue transfer. Twice in the past 10 years, the Trademark Office borrowed more than \$24 million from patent operations. This is an unfortunate but necessary response to a funding crisis at an agency that is crucial to the economic vitality of this country.

American IP industries now account for over half of all U.S. exports and 40 percent of our economic growth. These industries provide millions of jobs for Americans with high-paying salaries. Patents encourage innovation and provide incentives to create, build, and market new products.

Delays in obtaining patents stifle entrepreneurship in our country. We want new ideas, new technologies, and new patents. America has always been the Nation of great inventors. Now we must protect those inventors and their inventions with timely patents.

Mr. Speaker, this bill won't cure all that ails the Patent and Trademark Office long term. For that we need the other body to confirm the new PTO director who will work with Congress to implement fundamental change to the

agency; but failure to enact H.R. 3114 at this time will place PTO in an even deeper hole that jeopardizes agency jobs, harms the interests of inventors, and damages a crucial component of our national economy.

I urge my colleagues to support H.R. 3114.

Mr. ISSA. Mr. Speaker, I rise today in support of H.R. 3114, a bill to promote the success and vitality of the United States Patent and Trademark Office, "USPTO."

The USPTO is integral in strengthening America's battered economy. Although there are those in this body that believe the federal government can spend our way out of the current financial crisis, this is a fallacy. It is through private commerce and investment that we will find the light at the end of the tunnel. For many sectors of our economy, patent protections provide tremendous incentive to invest.

The USPTO is already faced with a tremendous backlog of patent applications. A reduction in labor force at the USPTO would only compound this problem. It is for this reason that we must make sure that the USPTO is not forced to lay off or furlough patent examiners. Allowing the USPTO Director to use funds made available under the Trademark Act of 1946 will help to ensure this does not occur.

Innovation is the lifeblood of the U.S. economy. It is innovation which has and will continue to promote prosperity and wealth in the United States and aid in combating the recession in which we find ourselves today. I encourage my colleagues to support the USPTO and support this legislation.

Mr. POE of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 3114.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. POE of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

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#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 35 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1831

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro