

figures, the number of unexamined patents has ballooned to over 750,000. Moreover, the pendency time for a final disposition is 35 months—not counting appeals. Yet, despite it taking longer for the USPTO to do examination, many experts believe that the quality of patents has actually declined in recent years. Increased backlogs and poor patent quality affect not only the agency, they hurt American innovation, and delay our economic and jobs recovery.

While I support the current patent reform negotiations between the House and Senate, this bill will help to immediately begin to address the fiscal problems of the USPTO. I am still fully supportive of a larger patent reform effort and look forward to working with our Senate colleagues to bridge the gaps between the current House and Senate versions of reform. We are working with the Senate and have been engaged in discussions to make changes to their bill to improve patent quality and decrease the backlog. We want to continue to work with the Senate on the patent reform bill to get the best proposal. Our members in the House and their staffs have been working to resolve the differences between the House and Senate bills to address the needs of the innovation community. We remain open and willing to have a continuing dialogue with our colleagues in the Senate.

The USPTO does not take money from taxpayers. It is fully funded by user fees and generates revenues from those fees. Unfortunately, fees have been diverted to other uses, and this has made it difficult for the USPTO to hire and retain qualified examiners and address patent backlog issues.

Acknowledging these challenges, the USPTO has developed a number of initiatives to address its backlog and quality issues. These initiatives include giving patent examiners more time to do a quality examination of patent applications, targeted hiring of experienced professionals to become patent examiners, restructuring the incentives framework for examiners, and upgrading and improving the agency's information technology resources.

Together, these initiatives are expected to substantially improve quality and lower the backlog. However, these programs cannot be achieved without adequate funding, which the USPTO currently does not have.

Most of the fees the USPTO currently collects are statutorily set, and the fees are collected by the USPTO and deposited in the federal treasury. According to the Intellectual Properties Owners Association, IPO, \$737 million in fees collected between 1991 and 2004 were never transferred back to the USPTO and instead remained in the general treasury fund for purposes unrelated to intellectual property. As an agency within the Department of Commerce, the USPTO is subject to the appropriations process and collected fees must be transferred back to the USPTO through a yearly appropriation.

It is time for Congress to stop the bleeding and step in. I have worked in a bipartisan manner in the past to solve the problem of fee diversion. The USPTO's problems are not out there on Wall Street or in the Gulf of Mexico, they are right here on our doorstep. People lose jobs when technology does not make it to the market. These are problems that are in our power to fix, and that we must fix, and that can be traced directly to the current fee struc-

ture which is cumbersome, reactionary, and at times arbitrary.

This bill requires the USPTO to consult with its stakeholder Public Advisory Committees before publishing a proposed fee change. It also requires a 45-day public comment period. And, to ensure continued close congressional oversight, it also includes a separate 45-day congressional comment period before fee changes can be implemented. Lastly, the bill will sunset this new authority in 10 years, giving Congress an opportunity to evaluate how well this grant of authority worked and whether it should be continued.

The anti-diversion and 15 percent surcharge language in the bill will help the Patent and Trademark Office address its pressing short-term budgetary needs. The provisions in this bill will go a long way to correct the USPTO's fiscal and infrastructure problems. Without stability the USPTO cannot hire examiners, upgrade IT systems, or institute important operational initiatives that are critical to the PTO's vitality. To remain strong in the increasingly competitive global market, the U.S. must have an efficient and effective patent office. This bill is one step to ensure the U.S. remains a technological leader now and going forward into the future.

Under the current system, fees often do not correspond to the realities of the USPTO's operations or needs. For example, under the current structure, patent applicants pay only about one-third of the costs associated with examination, regardless of whether the patent is granted. Fees are thus out of alignment in terms of what applicants pay and what they cost the office. Not only is this arguably not fair to successful patentees, it is inefficient.

Back-end fees are notoriously hard to predict, especially in an economic downturn. Thus, the agency gets stuck with budgets that do not correspond to its front-end services. The result is that the USPTO's hands are tied, and the agency cannot pursue much-needed modernization and improvements. Accordingly, pendency and quality worsen.

For those who wish to wait for a more comprehensive patent reform bill, I say this: we cannot afford to wait. The provisions of this bill are necessary to make sure that the USPTO has adequate funding, and we recognize the hurdles that lie ahead as we advance these provisions. We plan to work with the Appropriations Committee and the Congressional Budget Office to address any concerns they may have with this legislation. Without action USPTO fees are likely to be diverted, and we must pass this bill to correct this problem that has been going on for far too long. Nothing is more critical to the health of the USPTO than to have the sort of long-term budget stability that this bill will provide.

TRIBUTE TO HAYWOOD HILLYER III, LOUISIANA REPUBLICAN PARTY PIONEER

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. BONNER. Madam Speaker, it is with great sadness that I rise to note the recent quieting of a beloved and tireless conservative voice in Louisiana, Mr. Haywood H. Hillyer III.

Mr. Hillyer was a passionate public servant and a man of action. He was a Republican in Louisiana when Republicans were as rare in that state as a July snowfall. His dedication to conservative principles and his boundless enthusiasm played a pivotal role in transforming the Republican Party into a viable political force in Louisiana.

While in college, Haywood Hillyer was among a group of students who interacted with conservative icon William F. Buckley, Jr. His passion for ideas led him to found and edit a conservative college newspaper, *The Liberator*.

When Mr. Hillyer helped take on the monumental task of growing the Republican Party in the Pelican State, there were a mere 10,000 followers statewide. Today, there are over 750,000 Republicans in Louisiana. Haywood Hillyer served on the Republican State Central Committee of Louisiana for 25 years, and ran for governor.

Mr. Hillyer was also a great patron of New Orleans jazz music, and was featured as a commentator in several jazz documentaries, recalling listening to local jazz pioneers in their youth, and he continued to support local jazz organizations throughout the rest of his life.

Haywood Hillyer graduated from Tulane University and Tulane Law School. He served as an attorney for many years for what is now the Milling Benson Woodward law firm. Haywood was elected to several positions within the Louisiana State Bar Association and the Federal Bar Association. He was also an amateur sailor and racer, and a civic leader.

On behalf of conservatives throughout the country, I wish to pay tribute to Mr. Hillyer for his distinguished leadership and exemplary life. Mr. Hillyer is survived by two sons, Haywood Hillyer IV and Richard Quin Hillyer; a stepson, Tyler Wood Duncan; and a stepdaughter, Halley Randolph Rash, as well as countless other friends and family.

They are all in our thoughts and prayers at this difficult time.

TRIBUTE TO MR. WALDESTRUDIS "WALTER" TORRES

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. SERRANO. Madam Speaker, I rise today to offer tribute to Mr. Waldestrudis "Walter" Torres, a Puerto Rican Vietnam War hero from my district who recently passed away at the age of 62. Walter was a brave and committed man. He honored himself and his country on the battlefields of Vietnam before returning home to lead a quiet life of civil service. He spent nearly four decades in service to others, as both soldier and civilian.

Walter was born in Coamo, Puerto Rico, on April 10, 1947. In 1967, at the age of 20, Walter joined the U.S. Marine Corps and was soon sent to Vietnam. Like so many of the more than 48,000 Puerto Ricans who served during Vietnam, Walter distinguished himself in combat. For courage and bravery, Walter received the Battle Star Medal, the National Defense Medal, the Vietnam Campaign Medal and the Vietnam Services Medal with Three Stars.

After leaving the service, Walter was gainfully employed and hardworking his entire life.

He held positions with the U.S. Federal Government Printing Office as a pressman, the U.S. Post Office as a letter carrier, and later joined the private sector in the board sales business. In 2003, Walter joined the American Association of Retired Persons' Senior Community Services Employment Program, AARP/SCSEP, as a job developer. Walter flourished in this environment, directly impacting the lives of over 1,000 seniors who participate in the program for employment placement services. In 2010, Walter was promoted to be assistant director of the program. In 6 years, he missed only one day of work.

Madam Speaker, Waldestrudis Torres was an outstanding individual and an extraordinary example of American strength and character. Hardworking and large-hearted, he placed service to community and country above all else and should be remembered for his deep sense of commitment to others. I ask that my colleagues join me in honoring the life of Waldestrudis "Walter" Torres.

ON JESSIE PAVLINAC'S SERVICE
AS PRESIDENT OF THE AMERICAN
DIETETIC ASSOCIATION

HON. KURT SCHRADER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. SCHRADER. Madam Speaker, my state of Oregon has its share of remarkable people. One of whom I wish to recognize today is a constituent of mine, Jessie Pavlinac, a registered dietitian from Oregon City.

As a registered dietitian, Jessie directs nutrition and patient services for adult and pediatric patients at Oregon Health and Science University Hospitals and Clinics in Portland. She is an instructor at OHSU's School of Medicine, the preceptor for the dietetic internship program where she has influenced the careers of thousands of dietitians for more than 27 years, and is also a faculty member of the University of Phoenix in Portland. Her specialty in dietetics is the complex area of renal nutrition and transplant nutrition support, both of which will increase in importance owing to our nation's aging population.

She and her husband Randy, and their two sons, lived for nearly 20 years on a small family berry farm, an experience which has given her a life-long commitment to a reliable, sustainable and safe food supply for the health of our nation.

Jessie Pavlinac's commitment to good nutrition and health has led her to numerous leadership positions in the American Dietetic Association, the world's largest organization of food and nutrition professionals. Since June 1, 2009, Jessie has served as ADA's 84th president. Her term as president expires at the end of May. Among the many accomplishments of the American Dietetic Association during Jessie Pavlinac's presidency, ADA will end this Fiscal Year on May 31 with its largest membership ever—more than 71,000.

In addition to serving her patients and students, Jessie has held numerous positions in the dietetics profession, including president of both the Portland Dietetic Association and the Oregon Dietetic Association. A partial listing of her many awards and honors includes the National Kidney Foundation Council on Renal

Nutrition Recognized Dietitian Award, OHSU's "Hidden Treasure" Award, ADA's Council on Education Outstanding Dietetics Educator, the Oregon Dietetic Association Award of Merit, and the 2006 Nutrition Ambassador Scholarship.

After completion of her bachelor's degree at Oregon State University, Jessie earned a master's degree from the University of Wisconsin.

Founded in 1917, ADA is committed to improving the nation's health and advancing the profession through research, education and advocacy. Approximately three-fourths of ADA's members are registered dietitians. Other members include dietetic technicians registered, educators, researchers, and students. In fact, nearly half of the membership holds advanced academic degrees. ADA members serve throughout the nation's healthcare system as well as in nonprofit organizations, schools, correctional facilities, government, and community organizations. They can also be found in the food industry, health clubs, weight management clinics, wellness centers, and as consultants.

Madam Speaker, I want to extend my congratulations and best wishes to Jessie Pavlinac for completing a successful term as President of the American Dietetic Association, and for her service to her patients, her colleagues, her profession, and our nation.

TRIBUTE TO VALERIE HILL,
UNDERSHERIFF OF RIVERSIDE
COUNTY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual from the 44th congressional district of California for her outstanding contributions and achievements. Valerie Hill, a 31-year veteran of the Riverside County Sheriff's Department, was recently awarded the 2010 "ATHENA" Award of the Inland Valley for being a valued role model who represents excellence in her profession, extensive community service, and generous mentoring. The ATHENA Awards program, which was created in 1982 and is an extension of local Chamber of Commerce's, recognizes outstanding professional and business women in the community.

Valerie is the first woman to be undersheriff of Riverside County. Prior to this appointment, she received a bachelor's degree in business management and went on to be a female hostage negotiator field training officer and assistant sheriff. She has served in Lake Elsinore, Jurupa, Moreno Valley, and Riverside, where she has mentored many women in the department.

Valerie has received a number of awards recognizing her accomplishments. In 2006, she was president of the Southern California Jail Managers Association, and in 2007, she received the lifetime achievement award from the Law Enforcement Appreciation Committee. In 2002, she was a YWCA Woman of Achievement, in 2004 she was recognized as Inland Empire Magazine's Woman Who Makes a Difference, and in 2005 received the Gold Key Award from Soroptimist International.

She was president of Operation Safe House and the Riverside Area Rape Crisis Center and also served as chair for the YWCA's Evening of Achievement event. Additionally, Valerie makes time with her family to serve hot meals to the homeless and is an active member of Kiwanis of Riverside.

Valerie Hill's tireless passion for community and public service has contributed immensely to the betterment of the community of Riverside, California. I am proud to call Valerie a fellow community member and American. I know that many community members are grateful for her service and salute her as she receives this prestigious recognition of honor.

AMERICA COMPETES
REAUTHORIZATION ACT OF 2010

SPEECH OF

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5116) to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes:

Mr. GORDON of Tennessee. Madam Chair, I would like to thank Chairman MILLER of the Education and Labor Committee for working cooperatively with the Science and Technology Committee on H.R. 5116, the America Competes Reauthorization Act of 2010. Chairman MILLER has been a champion of STEM education in the House and his Committee has been very supportive in helping shape the STEM education provisions in the Competes Act. I insert into the CONGRESSIONAL RECORD an exchange of letters between the Committees on Science and Technology and Education and Labor.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON EDUCATION AND LABOR,

Washington, DC, May 5, 2010.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, House of Representatives, Washington, DC.

DEAR CHAIRMAN GORDON: In recognition of the desire to expedite consideration of H.R. 5116, the America COMPETES Reauthorization Act of 2010, the Committee on Education and Labor agrees to waive formal consideration of the bill as to provisions that fall within its rule X jurisdiction.

The Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 5116 at this time, it does not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward, so that we may address any remaining issues in our jurisdiction. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor.

Thank you for your attention to this matter, and for the cooperative working relationship between our two committees.

Sincerely,

GEORGE MILLER,
Chairman.