

On page 209, line 3, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 213, line 36, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 213, line 39, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 214, line 8, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 214, line 13, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 214, line 16, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 214, line 19, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 214, line 24, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 214, line 27, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 214, line 39, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 215, line 3, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 215, line 6, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 215, line 10, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 215, line 13, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 215, line 16, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 215, line 19, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 217, line 28, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 219, line 30, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 219, line 33, strike “(except section 3302)” and insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)”.

On page 219, line 38, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 220, line 5, insert “(EXCEPT SECTIONS 1704 AND 2303)” after “DIVISION B”.

On page 220, line 8, insert “(except sections 1704 and 2303)” after “division B”.

On page 220, line 13, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 220, line 16, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 220, line 18, insert “(except sections 1704 and 2303)” after “division B”.

On page 220, line 36, insert “(except sections 1704 and 2303)” after “division B”.

On page 221, line 5, insert “(except sections 1704 and 2303)” after “division B”.

On page 221, line 13, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 221, line 16, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 221, line 26, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 221, line 29, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 222, line 18, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 222, line 22, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 222, line 37, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 223, line 25, insert “(EXCEPT SECTIONS 1704 AND 2303)” after “DIVISION B”.

On page 236, strike “2006” in the column relating to “Date”.

On page 236, strike the item related to Public Law 109-364.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from North Carolina (Mr. MCHENRY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. 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 gentlewoman from California?

There was no objection.

Ms. CHU. I yield myself such time as I may consume.

Mr. Speaker, H.R. 1107 codifies into positive law as title 41, United States Code, certain general and permanent laws related to public contracts. This is a noncontroversial bill that is not intended to make any substantive changes in the law. The Office of Law Revision Counsel periodically suggests to the committee of jurisdiction appropriate revisions to the United States Code in light of the enactment of codified laws. These changes are purely technical in nature. As is typical with the codification process, a number of non-substantive revisions are made, including the reorganization of sections into a more coherent overall structure.

Similar legislation has been introduced and favorably reported in each of the past two Congresses. It passed the House in May of last year. While it has been awaiting action in the Senate, a few additional technical corrections were identified, and they have been incorporated in the version that passed the Senate and that we are considering today.

I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. MCHENRY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 1107, a bill proposed by the Office of Law Revision Counsel, to update and approve the codification of title 41 of the United States Code. The Judiciary Committee has jurisdiction over law revision bills, and this particular bill deals with the title addressing public contracts.

The Judiciary Committee considered and approved a similar bill last Congress, but it was ultimately not taken up by the House before the end of the

Congress. H.R. 1107 and similar law revision bills are important because they ensure that the U.S. Code is up to date, accurate, and usable. I am glad to support this legislation today.

In closing, certainly the floor has been in chaos this afternoon, but we would like to take care of these Judiciary Committee suspension bills so we can get them done before the end of the year, and I appreciate my colleague taking the floor as well.

I yield back the balance of my time.

Ms. CHU. 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 California (Ms. CHU) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 1107.

The question was taken.

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

Ms. CHU. 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.

AUTHORIZING PILOT PROGRAM FOR PATENT CASES

Ms. CHU. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 628) to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. PILOT PROGRAM IN CERTAIN DISTRICT COURTS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a program, in each of the United States district courts designated under subsection (b), under which—

(A) those district judges of that district court who request to hear cases under which 1 or more issues arising under any Act of Congress relating to patents or plant variety protection are required to be decided, are designated by the chief judge of the court to hear those cases;

(B) cases described in subparagraph (A) are randomly assigned to the judges of the district court, regardless of whether the judges are designated under subparagraph (A);

(C) a judge not designated under subparagraph (A) to whom a case is assigned under subparagraph (B) may decline to accept the case; and

(D) a case declined under subparagraph (C) is randomly reassigned to 1 of those judges of the court designated under subparagraph (A).

(2) SENIOR JUDGES.—Senior judges of a district court may be designated under paragraph (1)(A) if at least 1 judge of the court in regular active service is also so designated.

(3) RIGHT TO TRANSFER CASES PRESERVED.—This section shall not be construed to limit the ability of a judge to request the reassignment of or otherwise transfer a case to which the judge is assigned under this section, in accordance with otherwise applicable rules of the court.

(b) DESIGNATION.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Director of the Administrative Office of the United States Courts shall designate not less than 6 United States district courts, in at least 3 different judicial circuits, in which the program established under subsection (a) will be carried out.

(2) CRITERIA FOR DESIGNATIONS.—

(A) IN GENERAL.—The Director shall make designations under paragraph (1) from—

(i) the 15 district courts in which the largest number of patent and plant variety protection cases were filed in the most recent calendar year that has ended; or

(ii) the district courts that have adopted, or certified to the Director the intention to adopt, local rules for patent and plant variety protection cases.

(B) SELECTION OF COURTS.—From amongst the district courts that satisfy the criteria for designation under this subsection, the Director shall select—

(i) 3 district courts that each have at least 10 district judges authorized to be appointed by the President, whether under section 133(a) of title 28, United States Code, or on a temporary basis under any other provision of law, and at least 3 judges of the court have made the request under subsection (a)(1)(A); and

(ii) 3 district courts that each have fewer than 10 district judges authorized to be appointed by the President, whether under section 133(a) of title 28, United States Code, or on a temporary basis under any other provision of law, and at least 2 judges of the court have made the request under subsection (a)(1)(A).

(c) DURATION.—The program established under subsection (a) shall terminate 10 years after the end of the 6-month period described in subsection (b).

(d) APPLICABILITY.—The program established under subsection (a) shall apply in a district court designated under subsection (b) only to cases commenced on or after the date of such designation.

(e) REPORTS TO CONGRESS.—

(1) IN GENERAL.—At the times specified in paragraph (2), the Director of the Administrative Office of the United States Courts, in consultation with the chief judge of each of the district courts designated under subsection (b) and the Director of the Federal Judicial Center, shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the pilot program established under subsection (a). The report shall include—

(A) an analysis of the extent to which the program has succeeded in developing expertise in patent and plant variety protection cases among the district judges of the district courts so designated;

(B) an analysis of the extent to which the program has improved the efficiency of the courts involved by reason of such expertise;

(C) with respect to patent cases handled by the judges designated pursuant to subsection (a)(1)(A) and judges not so designated, a comparison between the 2 groups of judges with respect to—

(i) the rate of reversal by the Court of Appeals for the Federal Circuit, of such cases on the issues of claim construction and substantive patent law; and

(ii) the period of time elapsed from the date on which a case is filed to the date on

which trial begins or summary judgment is entered;

(D) a discussion of any evidence indicating that litigants select certain of the judicial districts designated under subsection (b) in an attempt to ensure a given outcome; and

(E) an analysis of whether the pilot program should be extended to other district courts, or should be made permanent and apply to all district courts.

(2) TIMETABLE FOR REPORTS.—The times referred to in paragraph (1) are—

(A) not later than the date that is 5 years and 3 months after the end of the 6-month period described in subsection (b); and

(B) not later than 5 years after the date described in subparagraph (A).

(3) PERIODIC REPORTS.—The Director of the Administrative Office of the United States Courts, in consultation with the chief judge of each of the district courts designated under subsection (b) and the Director of the Federal Judicial Center, shall keep the committees referred to in paragraph (1) informed, on a periodic basis while the pilot program is in effect, with respect to the matters referred to in subparagraphs (A) through (E) of paragraph (1).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. 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 gentlewoman from California?

There was no objection.

Ms. CHU. I yield myself such time as I may consume.

Mr. Speaker, this bill seeks to create a pilot program that will enhance district court expertise in patent cases.

Patent litigation is complex and highly technical. This makes litigation expensive, time consuming, and unpredictable. Moreover, the reversal rate of district court decisions is high, hovering around 50 percent. The bill before us today, H.R. 628, seeks to increase efficiency and consistency in patent and plant variety protection litigation and reduce the reversal rate.

The pilot program created by this bill would enable interested judges in certain district courts to develop expertise in adjudicating patent and plant variety protection cases. This will create a cadre of judges who have advanced knowledge of patent and plant variety protection due to more intensified experience in handling the cases, along with special education and career development opportunities.

By providing judges with more training and experience in patent law, this country will have fairer and more predictable decisions resulting in a positive effect on the economy as a whole, as businesses will be able to allocate more time to inventing and less time litigating.

The program would involve six of the Nation's 94 judicial districts on a

strictly voluntary basis. Note this is just a pilot program; and unless Congress chooses to renew it, it will automatically expire after 10 years. The bill mandates reporting requirements to Congress that will help guide our future efforts to further improve the patent system. We will monitor the effects of this program closely.

□ 1300

H.R. 628 has bipartisan support in the Judiciary Committee and broad support from the patent bar and affected industry and trade groups. In 2006, a nearly identical bill, H.R. 5418, was reported by the Judiciary Committee and passed the House under suspension. The legislation passed the House again under suspension in the last Congress. This Congress, back in March of 2009, this House passed H.R. 628. This amended version before us today expands the number of districts that are eligible to be chosen for this program.

I want to particularly note the efforts of my friends on both sides of the aisle, Representative ISSA and Representative SCHIFF, whose tireless and substantial personal efforts shepherded this bill from start to finish—and we are close to the finish line.

I urge my colleagues to once again join me in supporting this bill.

I reserve the balance of my time.

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

It is widely recognized that patent litigation is too expensive, too time-consuming, and too unpredictable. H.R. 628 addresses these concerns by authorizing a pilot program in certain United States district courts to promote patent expertise among participating judges.

The need for such a program becomes apparent when one considers that fewer than 1 percent of all the cases in United States district courts, on average, are patent cases and that a district court judge typically has a patent case proceed through trial once every 7 years. Nevertheless, these cases account for 10 percent of complex cases, and they require a disproportionate share of attention and judicial resources.

Notwithstanding the investment of additional time and resources, the rate of reversal on claim construction issues—the correct interpretation of which is central to the proper resolution of these cases—is unacceptably high. The premise underlying H.R. 628 is, succinctly stated, practice makes perfect, or at least better. Judges who focus more attention on patent cases will be expected to be better prepared to make decisions that can withstand appellate scrutiny.

The bill that we have before us today is the product of extensive oversight hearing that focused on proposals to improve patent litigation, which was conducted by the Subcommittee on Courts, the Internet, and Intellectual Property in October of 2005. This litigation is similar to H.R. 34 from the 110th

Congress and H.R. 5418, a bill that passed the House unanimously during the 109th Congress. More recently, the House passed H.R. 628 on March 17, 2009. The other body passed the legislation with amendments on December 13. The new changes improve the measure by eliminating a \$10 million authorization and by expanding the bill's application to smaller judicial districts.

Mr. Speaker, H.R. 628 requires the director of the Administrative Office of the Courts to select at least six district courts to participate in a 10-year pilot program that begins no later than 6 months after the date of enactment. The bill specifies criteria the director must employ in determining eligible district courts. It also contains provisions to preserve the random assignment of cases and to prevent the selected districts from becoming magnets for forum-shopping litigants and lawyers.

The litigation additionally requires the director in consultation with the director of the Federal Judicial Center and the chief judge of each participating district to provide the committees on the Judiciary of the House of Representatives and the Senate with periodic progress reports. These reports will enable the Congress and the courts to evaluate whether the pilot program is working and, if so, whether it should be made permanent.

Mr. Speaker, the bill does not substantially amend the patent laws or the judicial process, nor does it serve as a substitute for comprehensive patent reform that is needed. Rather, H.R. 628 constructs a foundation that future Congresses and the courts may use to assess the merits of future related proposals.

Before closing, Mr. Speaker, I would like to take a moment to commend the superb job that the bill's sponsors, Representatives ISSA and SCHIFF, did in seeking out and incorporating the advice of numerous experts as they developed this bipartisan important legislation. Their success and cooperation have resulted in a good bill that deserves the support of Members of the House on both sides of the aisle. I urge Members to support this bill.

I reserve the balance of my time.

Ms. CHU. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. SCHIFF), the sponsor of the bill.

Mr. SCHIFF. Mr. Speaker, I rise in support of H.R. 628, and I want to begin by acknowledging the leadership of my colleague DARRELL ISSA from California in developing this bill. I joined with Mr. ISSA to introduce this important legislation back in the 109th Congress. It has not been a short road to get here today to hopefully enact this bill, but we would not have made it without his leadership.

I partnered with Mr. ISSA on the bill because we share a deep interest in improving the efficiency of the patent process, in reducing litigation costs and inefficiencies in patent review, and

also in improving the quality of patents. This bill, in part, grew from a hearing in the 109th Congress on improving Federal court adjudication of patent cases in response to high rates of reversal. At this hearing, a number of proposed options to address this issue were discussed. Serious concerns were expressed about a number of proposals, including those that would create new specialized courts and those that would move all patent cases to existing specialized courts. These concerns centered around the need to maintain generalist judges, to preserve random case assignment, and to continue fostering the important legal percolation that currently occurs among the various district courts. Our proposal aims to avoid these pitfalls.

H.R. 628 establishes a mechanism to steer patent cases to judges that have the desire and the aptitude to hear such cases while preserving the principle of random assignment in order to prevent forum shopping among the pilot districts. The legislation will also provide the Congress and the courts with the opportunity to assess the program on a periodic basis. Reports will examine whether the program succeeds in developing greater expertise among participating district judges, the extent to which the program contributes to improving judicial efficiency in deciding these cases, and whether the program should be extended, expanded, or made permanent. By providing our courts with the resources they need to carefully consider patent cases, we will ultimately save the taxpayer money.

While this legislation is an important step at addressing needed patent reforms, I believe that Congress must continue to work on a more comprehensive reform of our patent system, and I look forward to continuing my work with my colleagues in order to address these issues.

Mr. POE of Texas. Mr. Speaker, I yield such time as he wishes to consume to the gentleman from California (Mr. ISSA), who is a sponsor of this bill.

Mr. ISSA. Mr. Speaker, it's been 8 years since this bill began being kicked around as a pilot. Some people would be less happy to announce it than I, but I would like to find them. Eight years ago when I began the dialogue with my colleagues, then the subcommittee ranking member, Mr. BERMAN, said, Tell me more about this problem. And I told him from life experience of the problem of these very talented judges, magistrates, and Federal judges who wanted to do a good job on patents, but it was almost always their first patent, and they lacked a support system to make it happen in both large and small districts. I told them how the southern district of San Diego had found ways to try to improve the system, glean some additional expertise from one or two judges who preferred these cases over some others and who actually sought them out. I also told some of my fellow colleagues about the horror stories of a magistrate ascending to

the bench, finding that what he got from each of the other members were all their patent cases, and suddenly he had a backlog of these, had to find out what a Markman hearing was, had to start getting into technical issues, one on electronics, another on biotech, another one on telecommunications.

So over the years, we have all been educated well beyond that initial anecdotal example. Then ORRIN HATCH, Chairman HATCH, was supportive. Now Chairman LEAHY is supportive. All along the way, my classmate ADAM SCHIFF has been supportive, along with both chairman, and ranking member at times, HOWARD BERMAN. Chairman CONYERS has continued to be supportive and has helped me, along with Ranking Member LAMAR SMITH, vote this out early on in this Congress.

□ 1310

But I have a special thanks for Chairman LEAHY who made sure this bill was pulled out of the comprehensive patent reform bill because its time truly had come to begin saying to judges throughout the country that, in fact, we were going to help them help themselves be better at this. Although it's called patent pilot, over the years it has been expanded to the number of jurisdictions that it could be used in to where it's become quite clear that this will be a challenge to be expanded countrywide in whatever format the study shows is best.

I find that this Congress, in its lame duck session, has done a few good things. No surprise that this is one that I think is particularly good, particularly good because, as Congressman SCHIFF just said, we are, in fact, dealing in the lame duck session with a problem that has been pervasive since before Congressman SCHIFF and I became Members of this body 10 full years ago.

So as I thank each of you for your passage of this bill, and with full confidence that this will become a broader consensus throughout the Federal system, I also join with my friend and colleague ADAM SCHIFF in saying that the next Congress, in the early days, we must truly dedicate ourselves to comprehensive patent reform, to take each of the major issues that have been difficult and have, Congress after Congress, failed to become law, and find ways to resolve some or all of them for the good of the American people who find themselves spending 2, 3 or 8 or \$10 million on what can often be a frivolous suit.

Again, Mr. POE, I thank you for yielding me the time. I ask all my colleagues to vote for this small but important change in patent law.

Mr. Speaker, I rise today in support of H.R. 628, a bill to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges. Congressman ADAM SCHIFF and I have worked together on this legislation since the last Congress, and I am grateful for the chance to move this legislation forward today.

The high cost of patent litigation is widely publicized, and it is not unusual for a patent suit to cost each party over \$10,000,000. Appeals from district courts to the Court of Appeals for the Federal Circuit are frequent. This is caused, in part, by the general perception within the patent community that most district court judges are not sufficiently prepared to hear patent cases. I drafted this legislation in an attempt to decrease the cost of litigation by increasing the success of district court judges.

H.R. 628 establishes a pilot project within at least six district courts. Under the pilot, judges decide whether or not to opt into hearing patent cases. If a judge opts in, and a patent case is randomly assigned to that judge, that judge keeps the case. If a case is randomly assigned to a judge who has not opted into hearing patent cases, that judge has the choice of keeping that case or sending it to the group of judges who have opted in. To be a designated court, the court must have at least 10 authorized judges with at least 3 opting in, or certify that they have adopted local rules for patent and plant variety protection cases.

The core intent of this pilot is to steer patent cases to judges that have the desire and aptitude to hear patent cases, while preserving random assignment as much as possible. The pilot will last no longer than 10 years, and periodic studies will occur to determine the pilot project's success.

I am happy to say that H.R. 628 is supported by software, hardware, tech and electronics companies, pharmaceutical companies, biotech companies, district court judges, the American Intellectual Property Law Association, and the Intellectual Property Owners Association among others.

This legislation is a good first step toward improving the legal environment for the patent community in the United States. H.R. 628 should not, however, be taken as a replacement for broader patent reform. We still need to address substantive issues within patent law, and I look forward to working with my colleagues on that broader effort as well.

I thank Judiciary Committee Chairman JOHN CONYERS and Ranking Member LAMAR SMITH, as well as Senators HATCH and LEAHY. I also thank my staff and the committee staff who worked so hard to make this possible.

I encourage all of my colleagues to support H.R. 628.

Ms. CHU. Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Mr. POE of Texas. I yield myself as much time as I may consume.

Mr. Speaker, patent law is complicated. It is difficult. It is messy. Now, that's why law schools have a special track for those that want to be patent lawyers. They get their own certification, in many law schools, because it is so complicated. And then when those cases go to court, they need to be presented to a judge that has a lot of experience in patent law. It is a difficult, complex legal issue in almost every case. And those cases take, sometimes, years before they are resolved in court, then on appeal, and the reversal rate is extremely high.

This legislation, hopefully, corrects that problem in giving those district judges that want to hear these cases

that special expertise in hearing a great number of these cases, becoming experts and understanding the law, the complexities of the law and, hopefully, getting a better and quicker result in the courtrooms of the United States. I support this legislation.

I want to commend, once again, the two representatives from California, Mr. SCHIFF and Mr. ISSA, for their long endurance over sponsoring this legislation.

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

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

The SPEAKER pro tempore (Mr. WEINER). The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 628.

The question was taken.

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

Ms. CHU. 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.

PRESERVING FOREIGN CRIMINAL ASSETS FOR FORFEITURE ACT OF 2010

Ms. CHU. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4005) to amend title 28, United States Code, to prevent the proceeds or instrumentalities of foreign crime located in the United States from being shielded from foreign forfeiture proceedings.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 4005

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preserving Foreign Criminal Assets for Forfeiture Act of 2010".

SEC. 2. PRESERVATION OF PROPERTY SUBJECT TO FORFEITURE UNDER FOREIGN LAW.

Section 2467(d)(3)(A) of title 28, United States Code, is amended to read as follows:

“(A) RESTRAINING ORDERS.—

“(i) IN GENERAL.—To preserve the availability of property subject to civil or criminal forfeiture under foreign law, the Government may apply for, and the court may issue, a restraining order at any time before or after the initiation of forfeiture proceedings by a foreign nation.

“(ii) PROCEDURES.—

“(I) IN GENERAL.—A restraining order under this subparagraph shall be issued in a manner consistent with subparagraphs (A), (C), and (E) of paragraph (1) and the procedural due process protections for a restraining order under section 983(j) of title 18.

“(II) APPLICATION.—For purposes of applying such section 983(j)—

“(aa) references in such section 983(j) to civil forfeiture or the filing of a complaint shall be deemed to refer to the applicable foreign criminal or forfeiture proceedings; and

“(bb) the reference in paragraph (1)(B)(i) of such section 983(j) to the United States shall be deemed to refer to the foreign nation.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. 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 gentlewoman from California?

There was no objection.

Ms. CHU. I yield myself such time as I may consume.

Mr. Speaker, the Preserving Foreign Criminal Assets for Forfeiture Act of 2010 will ensure that U.S. courts can freeze assets while foreign legal proceedings are pending. This fix permits Federal law enforcement to assist foreign governments without waiting for a final judgment in a foreign court.

I want to tell you a story that highlights the importance of this legislation. Years ago, I met a bright young man named Bobby Salcedo, who grew up in my district in El Monte, California. What struck me right away was Bobby's dedication to improving the lives of children and residents of his community. It was that dedication that gave him his incredible energy and passion to achieve as much as he did.

He was an elected member of the El Monte School District. He returned to his alma mater, Mountain View High School, to become its assistant principal, and was studying for his doctorate in education at UCLA.

Aside from his caring, selfless nature, Bobby was very intelligent, driven, and charismatic. It was clear to everyone who knew him that he was going somewhere. He was our rising star.

A year ago, Bobby traveled to Gomez Palacio in the Mexican state of Durango to visit his wife's family for the holidays. On New Year's Eve, he was out with family and friends at a local restaurant when gunmen burst in and dragged Bobby, along with five other men, out of the restaurant at gunpoint. They were then each shot to death execution-style. The next day, all six bodies were found dumped in a ditch. Bobby was only 33 years old.

After the investigation began, it was confirmed that none of the six murder victims were connected to the drug trade in any way. Bobby and the others were in the wrong place at the wrong time. Their deaths exemplify a growing number of innocent bystanders who are