

from a fixed date (rather than from the date that they are appointed), and requires Chairmen and Vice Chairmen to be designated from among existing members. (Current law designates only a Chairman and gives him a 3-year term.) These changes will produce better coordination of members' terms, will allow experienced Chairmen to be appointed without requiring such individuals to serve two 3-year terms, and will provide for automatic replacement of a Chairman who does not complete his term of service. (AIPLA request.)

(m) Report on pre-GATT Applications. The URAA amendments took effect on June 8, 1995 but were made inapplicable to applications filed before that effective date. Unfortunately, a small number of applicants may have engaged in clearly dilatory behavior and continue to maintain pending applications with effective-filing dates that precede the URAA effective date.

It is highly unlikely that the 103d Congress ever conceived that its amendments to §154(a) would remain inapplicable to applications still pending in this Congress. The issuance of any such patent at this late date would be grossly prejudicial to the public. Many of these applications claim invention dates in the 1980s, and some even claim priority dates in the 1970s. To remove such technology from the public domain in 2012 would work a clear injustice on the public, and would bear no relation to the patent system's purpose of promoting the progress of science and the useful arts.

An earlier version of this Act included a provision that would have required these applicants to complete prosecution of these applications promptly after the enactment of the Act. To avoid controversy that might delay the enactment of this Act, the present Act substitutes the earlier proposal with a requirement that USPTO issue a report that will provide Congress and the public with relevant information about these applications. The Committee expects that the report will contribute to an understanding of whether these applications present special circumstances that require further legislative, executive, or judicial action in order to ensure transparency and protect the public's interests.

(n) Micro Entity Definition. This subsection corrects a scrivener's error in the AIA's definition of the "micro entities" that are entitled to a fee reduction. This change has no substantive effect.

(o) Default Effective Date. This subsection provides that the amendments made by this Act apply to proceedings commenced on or after the enactment of the Act, except where the provisions of the Act include their own effective date or modify an existing law's effective date.

OTHER ISSUES FOR FUTURE CONSIDERATION

Post-Grant Review Could-Have-Raised Estoppel. The version of post-grant review that was enacted by the Leahy-Smith America Invents Act bars a petitioner who completes such a review from challenging any of the claims of the patent that were reviewed in the proceeding on any ground that the petitioner "could have raised" in the post-grant review. Although this broad estoppel first appeared in the bill that was reported by the House Judiciary Committee in June 2011, no amendment adopted by the committee authorized such a change. The change appears to have been made by staff charged with making technical corrections to the bill, who apparently assumed that the omission of could-have-raised estoppel in §325(e)(2) was an oversight.

The application of a civil-litigation could-have-raised estoppel to PGR would cripple that proceeding if it is not corrected. All va-

lidity issues can be raised in PGR, and must be raised during the first nine months of the patent's life and without the benefit of discovery. Thus if could-have-raised estoppel were applied to PGR, a PGR challenger would effectively have to waive the possibility of raising any validity defense against the patent if he is later sued for infringement—and all without an opportunity to adequately investigate enablement and other discovery-intensive issues. In order to ensure that the post-grant review system that USPTO has recently implemented does not simply become a white elephant, it is important that this scrivener's error be corrected in the future. And, lest anyone suggest that the correction of this error is properly regarded as controversial, allow me to note that this correction would simply conform the PGR estoppel provisions to those of the bill that passed the Senate on March 8, 2011, by a vote of 95-5.

DEPARTMENT OF STATE REWARDS PROGRAM UPDATE AND TECHNICAL CORRECTIONS ACT OF 2012

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 30, 2012

Mr. VAN HOLLEN. Mr. Speaker, I rise as a cosponsor of the State Department Rewards Program Update Act to thank my House colleagues Representatives BERMAN and ROSLEHTINEN for their collaboration on the bill and also to thank Senator KERRY for introducing and managing the Senate companion.

This measure expands on the authority of the State Department to issue rewards for information that leads to the arrest and conviction of people accused of the commission of armed terrorist attacks, drug trafficking, cybercrimes, animal poaching and transnational organized crimes. I added my name as a cosponsor to the bill because I hoped it would contribute to existing international efforts to capture Joseph Kony, the guerrilla leader of the Lord's Resistance Army who has abducted, tortured, abused and forced thousands of children into a life of brutal violence and sexual slavery. Though one of Kony's top lieutenants has been captured, Kony remains on the run.

With the passage of this measure, more resources will be made available to help bring him to justice. I encourage my colleagues to join me in support of the bill.

IN TRIBUTE TO MY STAFF

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 31, 2012

Mr. GALLEGLY. Mr. Speaker, I rise in tribute to the men and women who work day after day, and often on nights and weekends, that I may best serve the people of California's 24th Congressional District.

During my 26 years in Congress, I have hired the best self-starters I could find who have a proven track record of caring for the people for whom they serve. As a result, I

have one of the smallest staffs of any Member of Congress. As proof of their dedication and professionalism, I also have one of the lowest turnover rates of any Member of Congress.

My district director, Paula Sheil, started with me in 1972 in the private sector and has run my district office since I was first elected to Congress. In addition to running the day-to-day operations of my district office, Paula brings me back to earth and redirects my energies when I get off-kilter.

As my district chief of staff for 20 years, Brian Miller served as my surrogate in the district when I was in Washington, DC. He knows everyone, everyone knows him, and he has been instrumental in my knowledge of the needs and concerns of the county, cities, districts, organizations and individuals throughout the district.

Tina Cobb has been handling my casework for 20 years. If a constituent has a problem and Tina can not solve it, it cannot be solved. She knows the ins and outs of our Federal agencies and can cut through red tape like no one else.

Myrna Vafee joined my district staff 6 years ago. In addition to doing case work, Myrna does all the chores necessary to keep an office running, from sorting mail to greeting constituents. Her smile immediately puts people at ease.

Thomas Widroe has been my deputy district director for 2 years, working from my Solvang office and acting as my eyes and ears in the North County.

Joel Kassidy has been my chief of staff in Washington, DC, for 11 years. Joel is the epitome of efficiency. I have learned to be very careful before I ask Joel to undertake a task because he has it done before you have a chance to change your mind.

Marianne Brant, my executive assistant, has been with me for 6 years. Marianne's primary responsibility is to maintain my schedule and to make sure I am where I am supposed to be. There probably is no tougher job in a congressional office and Marianne does it with poise, efficiency, and an ever-present smile.

Richard Mereu, my chief counsel and administrative assistant, has been a trusted advisor for 18 years. He has served as my staff director on the subcommittees I've chaired on both the Foreign Affairs and Judiciary committees, in addition to advising me on a wide range of legislative issues.

Tom Pfeifer joined my staff 14 years ago after 15 years as a journalist in my district. Tom's knowledge of the media, the people, the issues, and the politics of the district has made him a valuable resource in my D.C. office.

Cecilia Daly has been my legislative counsel for 6 years. Cecilia is a master researcher who takes great pleasure in tutoring our interns on that skill.

Kenneth Steinhardt first came to my office as an intern and came to work for me full time 7 years ago. Kenny is a bulldog on legislation. He builds coalitions on and off the Hill to move a bill and does not let up.

RJ Hauman is my newest staff member. As staff assistant, he is often the first person a constituent interacts with in my D.C. office.

Mr. Speaker, this is just my current staff. I have had many other great staffers over the years, but to try to name them all would take too long. Suffice it to say that I am grateful for their service as well. These are the best of the

best, and I know my colleagues join me in thanking them for their service and in wishing them well in their new endeavors.

DAWSON, YOU ARE SO AWESOME,
YOU ARE SO DAWSOME, AS CAN
BE! IN HONOR OF DAWSON COX
AND HIS COURAGE AND HIS BAT-
TLE

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 31, 2012

Mr. FORTENBERRY. Mr. Speaker, I would like to recognize one of Lincoln, Nebraska's most courageous sons, and one of my constituents, Dawson Cox. I had the honor to take him and his sisters Stevie and Nessa on the floor of the House during our vote, and spend time with him and his family. Dawson's Make A Wish, was to come to Washington D.C. and visit the new Dr. King Jr. Memorial, and to stand on the very spot where the I Have A Dream speech was given. Dr. King is his hero. And Dr. King would be proud of Dawson too for his courage! Dawson toured the Capitol, and met many members of Congress and one of the House's true Icon's JOHN LEWIS. Congressman LEWIS, is the only surviving member left who spoke on that day. His new friend Bert, was so impressed with his courage and faith, and his spirit, that he penned this poem in his honor. Our prayers and our thoughts go out to Dawson and his family, during his most courageous battle.

DAWSON, YOU ARE SO AWESOME, YOU ARE SO
DAWSOME, AS CAN BE!

Dawson!
You are so Awesome!
You are so Dawsome!
As Can Be!
You're Major "D"!
For you are one of Nebraska's,
most courageous of all sons so to be!
Yea, you are a Husker!
Who can so muster!
The will and the courage,
and the faith to so overcome!
To Fight The Good Fight!
As Thy Will Be Done!
With all of your might!
For inside of you, but shines such a light!
For You are Major!
You're Major "D", and yet your so young!
And mini me, you so complete me!
You see,
because heroes come in all shapes and sizes,
but it's all about what's within their hearts,
that which so comprises . . .
Of what they so can be!
He's The Man!
Even Washington has his initials DC,
Dawson Cox understand!
Because, In The Game of Life . . .
Dawson, you are a winner so very bright!
And if ever I had a son,
I so wish that he could be like you this one!
With that smile,
that tells me all the while,
that the heart of a champion so beats in this
one!
And when you walked on that House floor,
they say the ratings on Cspan shot up so
much more!
That's because you are Major "D"!
And you are so Awesome Mr. Dawson can't
you see!
For you are as brave as can be,
as any Navy, Air Force, Army, or United
States Marine!

Because,
you and your families just like them and
theirs,
fight a war and the good fight continually!
For you are all so much alike in so many
ways!
And yet Dawson,
you are just a little boy!
Who out of such heartache can still find so
much joy!

And yet,
already so much you so understand!
And what we could so learn from you,
if we but so walked hand in hand!
If Dr. King,
is a King Among Men!
Then, you Dawson . . .
are but a Prince Among Children!
For he's for MLK Jr.,
all the way
Heroes,
our children should not so have to be,
but sometimes this is what our Lord has cho-
sen for us to teach!

To be inspired!
To take and lift our hearts higher!
To show us all that against all odds they
never tire!

All in their profiles of courage don't you see?
And to remind us to hold our families close!
To so remember what so but means the
most!

And to against all odds to always so believe!
And, that is why . . .
with tear in eye Dawson you so complete me!
Dawson!

You Are So Awesome!
You Are So Dawsome!
So Dawsome As Can Be!
Because,
it's with your heart you so run!
On earth as it will be in Heaven,
as Thy Will Be Done!

And that smile,
and that wit,
and that mind,
so very creative and so quick I'll carry with
me every day!

Because, you are my new best friend. . .
Dawson, your Major "D" . . .
And you are as Awesome as Awesome so can
be!

CONFERENCE REPORT ON H.R. 4310—THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FIS- CAL YEAR 2013

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 31, 2012

Ms. MCCOLLUM. Mr. Speaker, I am deeply disappointed that I must rise in opposition to the Conference Report on H.R. 4310, the FY13 National Defense Authorization Act. America's men and women in uniform deserve, and Congress must pass, legislation that provides them with the resources they need to preserve our national security. Unfortunately, this bill does not reflect the range of 21st-Century threats the United States must prepare for, nor does it reflect the urgent fiscal crisis this Congress must address. What this massive \$633 billion defense bill does reflect, however, are disastrously misplaced priorities.

On May 10th of this year, House Republicans passed the Sequester Replacement Reconciliation Act (H.R. 5652), which exempts the Pentagon from \$55 billion in automatic spending cuts agreed to in last year's Budget Control Act (P.L. 112-25). How did they pro-

pose to do it? By cutting over \$310 billion from domestic programs. These were cuts to nutrition assistance programs for low-income seniors, people with disabilities, and working families; cuts that will deny more than 200,000 low-income children their school lunches; cuts to the Meals on Wheels program critical to disabled seniors, and cuts to programs that protect vulnerable and abused children. These will have a real and severe impact on American families. Instead of asking the Pentagon to make tough choices and eliminate wasteful spending programs, House Republicans would rather balance the budget on the backs of our Nation's most vulnerable citizens.

Here is just one example of Pentagon spending that House Republicans are protecting by cutting programs for low-income children, seniors, and working families: in this fiscal year, the Department of Defense plans to spend \$389 million for its 150 military bands and more than 5,000 full-time, professional military musicians. This is a prime example of excessive military spending that we simply do not need, and can no longer afford. Earlier this year, the House passed my bipartisan amendment to this bill limiting the amount the military spends annually on military bands to no more than \$200 million—not an insignificant sum. I am very disappointed to see that this language was not included in the Conference Report. This smart cut would have continued to provided \$200 million for military bands in fiscal year 2013, ensuring that America would maintain its strong tradition of military bands, while saving taxpayers \$2 billion over the next decade.

Lastly, the Conference Report does virtually nothing to correct the civil liberties abuses passed in last year's defense authorization bill. House and Senate Conferees stripped a bipartisan amendment offered by Senators FEINSTEIN (D-CA) and Senator LEE (R-UT) which would have helped ensure that no one can be denied a fair trial and detained indefinitely when they are captured in the United States. I am appalled that this commonsense amendment to protect the most basic American civil liberties was not included in the legislation before us today.

Mr. Speaker, there are several positive provisions of this bill that I support, including the continuance of DOD clean energy programs, lifting restrictions on servicewomen's access to reproductive health care, and addressing military sexual assault. It also takes steps that would help eliminate hazing in the military and prevents any increase in new TRICARE fees. Unfortunately, the underlying legislation contains too much wasteful spending and does not correct the egregious human abuses that were part of the fiscal year 2012 bill.

One of our primary duties as Members of Congress is to provide the resources and policy guidance necessary to protect our Nation. We must make certain that every dollar in this bill contributes to our national defense. It is time for tough choices and smart cuts that save taxpayer dollars, even at the Pentagon. Wasteful and excessive Pentagon spending is no longer acceptable as low income families, seniors, and disabled Americans to go without the critical services.

I urge my colleagues oppose this legislation.