consume to the gentleman from Arkansas (Mr. GRIFFIN) who is an active member of the Judiciary Committee.

Mr. GRIFFIN. Thank you, Mr. Chairman.

Mr. Speaker, I rise today in support of H.R. 1775, the Stolen Valor Act of 2011, and urge its passage.

I would like to thank Congressman JOE HECK for his leadership on this issue as well as Judiciary Committee Chairman SMITH, also Ranking Member CONYERS, for their bipartisan cooperation passing this bill out of committee.

As a proud cosponsor of the Stolen Valor Act, I offered a substitute amendment during committee consideration in response to the recent Supreme Court decision in U.S. v Alvarez. The court instructed that, however despicable, a false claim about receiving a military award is protected by the First Amendment. The substitute amendment, which was adopted unanimously by the Judiciary Committee on August 1, 2012, incorporates the Supreme Court's opinion and recommendations in Alvarez.

The bill we consider today ensures that the Medal of Honor, Purple Heart, and other military awards will be protected from fraud and that those who make false claims of military service or awards will face criminal penalties. I believe that protecting the integrity and valor of American servicemembers who have distinguished themselves in defense of this Nation is critically important. We must ensure that the Medal of Honor and other military awards are protected from fraud, and the Stolen Valor Act helps in that effort.

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

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of our time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 1775, as amended.

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. SCOTT of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

TRADEMARK ACT OF 1946 AMENDMENT RELATING TO REMEDIES FOR DILUTION

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6215) to amend the Trademark Act of 1946 to correct an error in the provisions relating to remedies for dilution, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6215

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

SECTION 1. REMEDIES FOR DILUTION.

(a) IN GENERAL.—Section 43(c)(6) of 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 (commonly referred to as the ''Trademark Act of 1946''; 15 U.S.C. 1125(c)(6)), is amended by striking subparagraphs (A) and (B) and inserting the following:

''(A) is brought by another person under the common law or a statute of a State; and

''(B)(i) seeks to prevent dilution by blurring or dilution by tarnishment; or

''(ii) asserts any claim of actual or likely damage or harm to the distinctiveness or reputation of a mark, label, or form of advertisement.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any action commenced on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from North Carolina (Mr. WATT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6215, as amended, currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. I yield myself such time as I may consume.

Mr. Speaker, the purpose of the Federal Trademark Dilution Act of 1995 is to protect famous trademarks from uses that blur the distinctiveness of the trademark or tarnish or disparage it. Dilution does not rely upon the standard test of infringement, that is, likelihood of confusion, deception, or mistake. Rather, it applies when the unauthorized use of a famous trademark reduces the public's perception that the trademark signifies something unique, singular, or particular.

Dilution can result in the loss of the trademark's distinctiveness and possibly the owner's rights in it.

Congress enacted amendments to the original dilution statute in 2006. Last year, two law professors discovered a technical problem with one of the 2006 changes.

During Senate consideration of the House bill, the section that provides a Federal registration defense to a dilution action was reorganized. This produced an unexpected and unintended change to the law.

As originally drafted in the House, the provision was designed to encourage Federal registration of trademarks. This is a worthy policy goal that prevents State laws from interfering with federally protected trademarks and ensures that registered trademarks are protected nationwide.

The House version promoted this goal and barred a State action for dilution against a federally registered trademark. However, the Senate reformatted the House text in such a way as to create a bar against State action for dilution as well as a State or Federal action based on a claim of actual or likely damage or harm to the distinctiveness or reputation of a trademark. This means the Federal registration defense is available to both State sand Federal dilution claims.

□ 1530

Congress did not intend such an outcome. If all dilution claims, including Federal claims, are barred by registration, it becomes difficult to cancel a diluting trademark that is registered. This encourages illegitimate trademark holders to register diluting trademarks, which forces legitimate trademark holders to expend greater resources to monitor registrations, as well as other trademarks being used in commerce. That is why I introduced H.R. 6215 to amend the Federal Trademark Dilution Act.

This bill simply reformats the affected provision to clarify that Federal registration only constitutes a complete bar to a State claim based on dilution, or actual or likely damage or harm to the distinctiveness or reputation of a trademark. The change applies prospectively.

This bill ensures that the trademark community is protected from those who seek to use this loophole as a way to disparage legitimate trademarks and cost their owners time and money.

The only change to the bill, as reported, is a technical correction to a boilerplate reference regarding the date of enactment of the Trademark Act of 1946. The reported version inaccurately identifies the date of enactment as July 6, 1946. The correct date is July 5, 1946.

I urge my colleagues to support H.R. 6214, and I reserve the balance of my time.

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

Mr. Speaker, I rise in support of H.R. 6215, which is necessary to correct a technical error in the Trademark Dilution Revision Act of 2006 that inadvertently allowed the registration of a Federal trademark to be a complete bar to Federal trademark dilution claims.

The concept of dilution was initially a creature of State law. Massachusetts was the first State to enact a dilution statute in 1947. The purpose of the dilution law is to protect the value and uniqueness of the plaintiff's trademark without requiring evidence about the likelihood of confusion.

Over 50 years after the passage of the Massachusetts statute, the 1996 Federal Trademark Dilution Act provided nationwide injunctive relief ''against a use that causes dilution of the distinctive quality of the famous mark.'' In

2003, however, the Supreme Court in Moseley v. Victoria's Secret Catalog, Inc., considered the question of whether objective proof of actual injury to the economic value of a famous mark—that is, actual dilution—is required to obtain relief under the Federal Trademark Dilution Act. The Court decided that evidence of actual dilution was required, not simply a showing of likely dilution.

The Trademark Dilution Revision Act of 2006 amended the law in an attempt to reverse the Victoria's Secret decision and to expand the scope of State dilution claims banned under the Federal statute. During consideration of the Trademark Dilution Revision Act, however, the provision allowing a Federal registration defense to dilution claims brought under State law was reorganized in such a way as to result in an unintended substantive change in the provision. As a result, the Federal registration defense is available not only against State dilution claims, but also against Federal dilution claims.

The legislative history makes clear that Congress did not intend to allow a Federal trademark registration to bar a Federal dilution claim. H.R. 6215 corrects this error and has broad support in the intellectual property community and bipartisan support on the Judiciary Committee.

I urge my colleagues to support the legislation that ensures that the will of the Congress, as originally intended, is not undermined by an inadvertent drafting error.

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

Mr. SMITH of Texas. 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 Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 6215, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REPORTING EFFICIENCY IMPROVEMENT ACT

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6189) to eliminate unnecessary reporting requirements for unfunded programs under the Office of Justice Programs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6189

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 ''Reporting Efficiency Improvement Act''.

SEC. 2. ELIMINATION OF REPORTS FOR UNFUNDED PROGRAMS UNDER THE OFFICE OF JUSTICE PROGRAMS.

(a) DNA IDENTIFICATION GRANTS.—Section 2406 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796kk–5) is amended—

(1) by striking ''(a) REPORTS TO ATTORNEY GENERAL.—''; and

(2) by striking subsection (b).

(b) POLICE CORPS PROGRAM.—

(1) REPEAL OF REPORT REQUIREMENT.—Section 200113 of the Police Corps Act (42 U.S.C. 14102) is repealed.

(2) CONFORMING AMENDMENT.—The Violent Crime Control and Law Enforcement Act of 1994 is amended by striking the item relating to section 200113 in the table of contents contained in section 2 of such Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6189, as amended, currently under consideration.

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

There was no objection.

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

Mr. Speaker, I join the ranking member, Congressman CONYERS, in cosponsoring this commonsense, bipartisan bill, the Reporting Efficiency Improvement Act, and I thank him for introducing this legislation.

The Government Performance and Results Modernization Act of 2010 requires Federal agencies to identify reports that may be outdated or duplicative. Then the executive branch must consult with Congress to determine if these reports can be eliminated. Here, the administration suggests that Congress repeal the two reports eliminated by this bill. Both of these reports are prepared by the Office of Justice Programs and the Department of Justice, but the underlying grant programs have not been funded by Congress for many years. Adopting this commonsense bill is a simple step that Congress can take to help Federal agencies work more efficiently. I hope this bill sets a precedent for many similar bills in the future.

I again thank Mr. CONYERS for his initiative on this issue. I would urge my colleagues to support this bill, and I reserve the balance of my time.

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

H.R. 6189, the Reporting Efficiency Improvement Act, eliminates two reporting requirements that the Department of Justice deems no longer needy or useful to the Congress.

Under the Government Performance and Results Modernization Act, the Department of Justice conducts an annual review of statutory reporting requirements that are outdated, duplicative, or otherwise no longer useful. In this review, the Department identified two reports that are the subject of the bill before us now. The first of the two stems from the DNA Analysis Backlog Elimination Act, under which the Attorney General is required to report to Congress on various grants made to States to perform DNA analysis. Because Congress has not appropriated any funding for these specific grants since fiscal year 2003, this statutory reporting requirement has been obsolete for almost a decade.

The second report is based on the Police Corps Act, originally a part of the Violent Crime Control Act of 1994. The Director of the Office of the Police Corps is required to make an annual report to Congress on the program's status. However, Congress hasn't appropriated any funds for the office since fiscal year 2005.

So, H.R. 6189 is a simple cleanup of the Federal code. There is no need to have these reporting requirements on the books if there's no activity for the Department of Justice or the Office of Justice Programs to report, and none planned at any time in the near future.

It's important to note that this legislation doesn't make changes to the relevant programs; it merely eliminates discrete reporting requirements that are no longer useful.

I want to thank LAMAR SMITH, the chairman of the Judiciary Committee, for his support and eagerness in moving this legislation through the committee.

I urge my colleagues to support the measure. And having no other requests for additional speakers on this side, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I first want to thank the ranking member, the gentleman from Michigan (Mr. CONYERS), for his nice comments, and I'll yield back the balance of my time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 6189, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1540

MAKING IMPROVEMENTS IN ENACTMENT OF TITLE 41

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6080) to make improvements in the enactment of title 41, United States Code, into a positive law title and to improve the Code.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6080

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