

point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

COUNTERING IRAN IN THE WESTERN HEMISPHERE ACT OF 2012

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3783) to provide for a comprehensive strategy to counter Iran's growing hostile presence and activity in the Western Hemisphere, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

On page 11, strike lines 17-19 and insert the following:

(d) *FORM.—The strategy in this section may be submitted in classified form, but shall include an unclassified summary of policy recommendations to address the growing Iranian threat in the Western Hemisphere.*

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from New Jersey (Mr. SIREs) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to insert extraneous material into the RECORD on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support today of H.R. 3783, as amended, the Countering Iran in the Western Hemisphere Act of 2012, a bill introduced by my good friend from South Carolina and a member of our Foreign Affairs Committee, Mr. DUNCAN, who is here with us.

In September, the House acted and passed the Duncan bill overwhelmingly, and last week the Senate further reiterated its strong bipartisan and bicameral support for the bill and the need to address Iran's increased presence in the Western Hemisphere.

In February, the Committee on Foreign Affairs held a hearing entitled "Ahmadinejad's Tour of Tyrants and Iran's Agenda in the Western Hemisphere" in order to examine the growing threat posed by Iran and its proxies to U.S. national security interests in the Western Hemisphere, a threat that first became evident 18 years ago with the deadly assault on the AMIA Jewish Community Center in Buenos Aires, Argentina.

Eighteen years ago, so-called Iranian diplomats readily partnered with Hezbollah, a U.S.-designated foreign terrorist organization, to carry out the AMIA attack. Since then, Tehran has only increased its subversive actions, as well as its diplomatic and economic relations with radical regimes in Latin America.

Iran's Ahmadinejad made two trips to Latin America this year in an attempt to garner support from his fellow tyrants, the Castro brothers in Cuba, Ortega in Nicaragua, Correa in Ecuador, Chavez in Venezuela, and Morales in Bolivia. Just last week, the Iranian Deputy Foreign Minister for Europe and the Americas finished a similar tour around Latin America seeking support for a nuclear Iran.

The Pentagon's Southern Command, SOUTHCOM, underscores that Iran continues to expand its influence throughout the region, opening more embassies and more cultural centers in Bolivia, Ecuador, Nicaragua, Colombia, Chile, and Uruguay, in addition to its existing diplomatic missions in Cuba, Argentina, Brazil, Mexico, and Venezuela.

According to a U.S. intelligence analyst, these diplomatic missions are simply fronts for Iran to carry out its nefarious activities in the region and a potential platform to increase the presence of Quds Force operatives, a designated foreign terrorist organization and an arm of Iran's Revolutionary Guard.

Iran is not only an enemy of the United States but also of our allies. In the recent conflict between Israel and the Palestinians, the Iranian regime has time and again displayed its brazen disregard for peace by wanting to resupply the Hamas terrorist organization in Lebanon to continue their deadly rocket barrage on our greatest ally, the democratic Jewish State of Israel.

One state sponsor of terrorism after another continues to receive the royal treatment from these tyrants of Latin America. Last month, Syria's Deputy Foreign Minister also visited the regimes of Venezuela, Cuba, Nicaragua, and Ecuador.

After that trip, news reports indicated that Assad, a close ally of the Iranian regime, and an enabler for their Hezbollah branch, may be seeking political asylum in one of these countries as the situation in Syria continues to rapidly deteriorate.

Mr. Speaker, we cannot allow these violent actors a safe haven to conduct their evil schemes, and the presence of these individuals only reaffirms the significant threat posed by Iran and its proxies to the United States and to the hemisphere.

H.R. 3783 requires that the Secretary of State outline a U.S. Government-wide strategy to combat the aggressive actions of Iran and its proxies, such as Hezbollah in the Western Hemisphere, toward a comprehensive policy stance that protects the security interests of the United States.

We must do everything we can to isolate Iran and its proxies from sources of financial assistance in the hemisphere, as well as prevent entities from possibly helping Iran to evade sanctions. We must ensure that the U.S. is actively monitoring this threat and takes appropriate steps to counter the Iranian regime's agenda in our hemisphere.

I strongly support passage of this legislation, and I look forward to the President signing it into law.

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

Mr. SIREs. Mr. Speaker, I rise in support of H.R. 3783, as amended by the Senate, and I yield myself as much time as I may consume. And I want to thank the Congresswoman for all her hard work on this issue.

The underlying bill, H.R. 3783, has already been passed by the House, and for that reason, I will only briefly summarize the bill and then move to explain the Senate amendment.

This legislation authorizes \$1 million for the State Department to generate an assessment of the threat posed to our country by Iran's growing presence and hostile activity in the Western Hemisphere, as well as a strategy to address that threat.

□ 1250

As many of our colleagues reminded us during House consideration of the bill, the issue could not be more pressing. Tehran's pursuit of a nuclear weapons capability, its continued support for international terrorism, and its abuse of basic human rights require the United States to maintain extreme vigilance in countering these threats. Thanks to the leadership of this Congress and the Obama administration, more pressure has been placed on the Iranian regime than ever before. But now is not the time to let down our guard.

In a show of defiance to the U.S., Ahmadinejad has made six trips to our hemisphere. Although it is unclear that he has put anything of real value on the table, it is important that the U.S. Government continue to closely monitor the nature and effectiveness of these Iranian efforts, including attempts to gain support for circumventing international sanctions.

None of this occurs in a vacuum. Iran was complicit in the horrific bombings of the Israeli Embassy and the Jewish Community Center in Buenos Aires, Argentina, in the first half of the 1990s. And we have evidence of Iran's increasing willingness to conduct an attack on U.S. soil, such as the discovery this year of a twisted Iranian plot to assassinate the Saudi Ambassador here in Washington. It is clear that Iran's behavior poses a clear and obvious danger to its own people and its neighbors, and its growing presence closer to our shores also deserves closer attention.

H.R. 3783 makes clear that we must continue to monitor this situation closely and provide resources necessary

to ensure that the efforts of various U.S. Government agencies are coordinated and clearly focused. The amendment adopted by the Senate provides that the strategy generated by the administration "may be submitted in classified form, but shall include an unclassified summary of policy recommendations." This modifies the original formulation, which provided that this strategy be unclassified, but with a classified addition.

I urge my colleagues to support this amended legislation, and I reserve the balance of my time.

Ms. ROS-LEHTINEN. I am so honored to yield 3 minutes to the author of this legislation, the gentleman from South Carolina (Mr. DUNCAN).

Mr. DUNCAN of South Carolina. Let me first say how proud we are that the Governor of South Carolina appointed one of our colleagues, TIM SCOTT, to the United States Senate yesterday. We wish him well.

I want to thank Madam Chairman for her leadership on this issue and her leadership on the Foreign Affairs Committee. I also want to thank Chairman ROYCE, the new chairman of the Foreign Affairs Committee, for his leadership on this as this bill came through the TNT Subcommittee. I want to thank the folks on the other side of the aisle that worked with us in a bipartisan fashion to pass this unanimously through the committee. It passed the House unanimously. I thank the Senate for taking up this very important issue. Furthermore, I want to thank Chairman MIKE MCCAUL, the new chairman of the Homeland Security Committee, for leading a codel specifically focused on this issue this past summer to South America.

We're all aware of the Iranian threat or their proxies' activity here in this hemisphere. Whether it's the thwarted assassination attempt last year where the Quds Force operatives of the Iranian Revolutionary Guard were trying to use Mexican drug cartel connections to enter the United States to assassinate the Ambassador from Saudi Arabia, or the fact that it has recently been revealed that Hezbollah had a terrorist training camp or a training camp of some origin in Nicaragua here in this hemisphere, we know that Iran is active here.

Last week, the Iranian Deputy Foreign Minister for Europe and the Americas visited Cuba, Venezuela, Bolivia, and Uruguay. This follows Iranian President Mahmoud Ahmadinejad's frequent trips to the region. Most recently, Iranian naval commanders have expressed their intent to extend Iran's maritime presence into the Atlantic Ocean, closer to the coastlines of the U.S.

With this piece of legislation, we seek to protect U.S. citizens from threats from Iran and defend American interests and assets here in this hemisphere. It requires the Secretary of State to conduct an assessment and develop a coordinated and targeted strat-

egy, working together with our allies and partners here in the region, to address Iran's growing hostile presence and activity in the Western Hemisphere. With this, it establishes a strong U.S. posture, policy, and most important, a relationship with Latin American countries. It requires a plan to define and outline the presence, activities, and operations of Iran, the Revolutionary Guard, the Quds Force, Hezbollah, and any of their proxy organizations or transnational criminal organizations linked to Iran that may be present here. We require a plan to protect U.S. interests and assets here in the Western Hemisphere, including our embassies, consulates, businesses, energy pipelines, and cultural organizations, including threats to U.S. allies.

Iran's actions here in our neighborhood represent a real threat to our safety and security, and I urge my colleagues to concur in the Senate amendment so that this legislation may pass the House and be sent to the desk of the President of the United States.

Mr. SIREs. I have no further requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. I yield such time as he may consume to the incoming chairman of our Foreign Affairs Committee, the esteemed gentleman from California (Mr. ROYCE), who is currently the chairman of the Subcommittee on Terrorism, Nonproliferation, and Trade.

Mr. ROYCE. I thank the gentlelady for yielding.

I would like to begin by thanking JEFF DUNCAN and his staff, as well, for their good work on this legislation. But I would remind the Members, in terms of Iranian activity in this hemisphere, we think what first comes to mind is the attack in the 1990s in Argentina. But more recently, Hezbollah has penetrated our borders. One example I would give to you is Mahmoud Kourani, trained by Iranian intelligence. He paid a bribe in order to get to Mexico from Beirut. Once in Mexico, he paid a second bribe, this time to a cartel group, in order to have himself inserted into a special compartment in the back of a car.

The reason Mahmoud Kourani is important is because it was his brother who was in charge of security in Israel during the Hezbollah war. I was there at the time. I saw those missiles that were ordered launched by Hezbollah into the town of Haifa. Haifa was under attack. There were some 600 casualties in that hospital that were a direct result of those Iranian and Syrian missiles that were being fired on the hospital—frankly, one of the targets—but fired on that town, fired on the residential sections of that city.

So the brother was caught coming into the United States. Actually, he was caught near Detroit. He's now serving time. There were some 50 other Hezbollah operatives who were also discovered here. When you go through the background of his training in terror in

terms of weapons and in terms of the capabilities that Iranian intelligence gave him, you begin to realize why our intelligence officials are so concerned about Iran's attempts to penetrate here.

Look at Iran's attempt last year to assassinate the Saudi Ambassador on U.S. soil using a Mexican drug cartel. That's the latest example of the threat. I've had many ambassadors tell me that they dined in that same restaurant. You saw the commentary that they were willing to accept their deaths as collateral damage to the bombing in order to kill the Saudi Ambassador.

These are the designs of Hezbollah. This is the problem with Iran. Many believe that countries close to Iran and that they're courting in this hemisphere, they're doing it because they're trying to help them beat back these sanctions—the sanctions bill which Chairman ILEANA ROS-LEHTINEN and I are going to be meeting on this afternoon. This is an attempt of Iran to extend their authority and try to convince those would-be allies that they should help them avoid these sanctions.

I'll just quote our DNI, Director of National Intelligence. He told us:

The dangerous activities of Iran and Hezbollah so near our borders demand a whole-of-government strategy, beginning with an interagency review to understand and assess the transnational multifaceted nature of this problem and to mobilize friendly governments to respond.

□ 1300

We're concerned that the administration is not doing that. That's why in this legislation we are pushing for this action. This bill requires that review; it requires that strategy. It will kick the bureaucracy into gear, and it enjoys strong bipartisan support. I urge its passage.

This is an issue that the House Foreign Affairs Committee looks forward to continuing our oversight and work on in the 113th Congress. I really commend the chairwoman and Mr. DUNCAN for their work.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3783.

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. SIREs. 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.

PATENT OVERHAUL TECHNICAL CORRECTIONS

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6621) to correct and improve certain provisions of the Leahy-Smith America Invents Act and title 35, United States Code, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6621

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

SECTION 1. TECHNICAL CORRECTIONS.

(a) **ADVICE OF COUNSEL.**—Notwithstanding section 35 of the Leahy-Smith America Invents Act (35 U.S.C. 1 note), section 298 of title 35, United States Code, shall apply to any civil action commenced on or after the date of the enactment of this Act.

(b) **TRANSITIONAL PROGRAM FOR COVERED BUSINESS METHOD PATENTS.**—Section 18 of the Leahy-Smith America Invents Act (35 U.S.C. 321 note) is amended—

(1) in subsection (a)(1)(C)(i), by striking “of such title” the second place it appears; and

(2) in subsection (d)(2), by striking “subsection” and inserting “section”.

(c) **JOINDER OF PARTIES.**—Section 299(a) of title 35, United States Code, is amended in the matter preceding paragraph (1) by striking “or counterclaim defendants only if” and inserting “only if”.

(d) **DEAD ZONES.**—

(1) **INTER PARTES REVIEW.**—Section 311(c) of title 35, United States Code, shall not apply to a petition to institute an inter partes review of a patent that is not a patent described in section 3(n)(1) of the Leahy-Smith America Invents Act (35 U.S.C. 100 note).

(2) **REISSUE.**—Section 311(c)(1) of title 35, United States Code, is amended by striking “or issuance of a reissue of a patent”.

(e) **CORRECT INVENTOR.**—

(1) **IN GENERAL.**—Section 135(e) of title 35, United States Code, as amended by section 3(i) of the Leahy-Smith America Invents Act, is amended by striking “correct inventors” and inserting “correct inventor”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall be effective as if included in the amendment made by section 3(i) of the Leahy-Smith America Invents Act.

(f) **INVENTOR'S OATH OR DECLARATION.**—Section 115 of title 35, United States Code, as amended by section 4 of the Leahy-Smith America Invents Act, is amended—

(1) by striking subsection (f) and inserting the following:

“(f) **TIME FOR FILING.**—The applicant for patent shall provide each required oath or declaration under subsection (a), substitute statement under subsection (d), or recorded assignment meeting the requirements of subsection (e) no later than the date on which the issue fee for the patent is paid.”; and

(2) in subsection (g)(1), by striking “who claims” and inserting “that claims”.

(g) **TRAVEL EXPENSES AND PAYMENT OF ADMINISTRATIVE JUDGES.**—Notwithstanding section 35 of the Leahy-Smith America Invents Act (35 U.S.C. 1 note), the amendments made by section 21 of the Leahy-Smith America Invents Act (Public Law 112-29; 125 Stat. 335) shall be effective as of September 16, 2011.

(h) **PATENT TERM ADJUSTMENTS.**—Section 154(b) of title 35, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)(i)(II), by striking “on which an international application fulfilled the requirements of section 371 of this

title” and inserting “of commencement of the national stage under section 371 in an international application”; and

(B) in subparagraph (B), in the matter preceding clause (i), by striking “the application in the United States” and inserting “the application under section 111(a) in the United States or, in the case of an international application, the date of commencement of the national stage under section 371 in the international application”;

(2) in paragraph (3)(B)(i), by striking “with the written notice of allowance of the application under section 151” and inserting “no later than the date of issuance of the patent”; and

(3) in paragraph (4)(A)—

(A) by striking “a determination made by the Director under paragraph (3) shall have remedy” and inserting “the Director's decision on the applicant's request for reconsideration under paragraph (3)(B)(ii) shall have exclusive remedy”; and

(B) by striking “the grant of the patent” and inserting “the date of the Director's decision on the applicant's request for reconsideration”.

(i) **IMPROPER APPLICANT.**—Section 373 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 37 of such title, are repealed.

(j) **FINANCIAL MANAGEMENT CLARIFICATIONS.**—Section 42(c)(3) of title 35, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking “sections 41, 42, and 376,” and inserting “this title.”; and

(B) by striking “a share of the administrative costs of the Office relating to patents” and inserting “a proportionate share of the administrative costs of the Office”; and

(2) in subparagraph (B), by striking “a share of the administrative costs of the Office relating to trademarks” and inserting “a proportionate share of the administrative costs of the Office”.

(k) **DERIVATION PROCEEDINGS.**—

(1) **IN GENERAL.**—Section 135(a) of title 35, United States Code, as amended by section 3(i) of the Leahy-Smith America Invents Act, is amended to read as follows:

“(a) **INSTITUTION OF PROCEEDING.**—

“(1) **IN GENERAL.**—An applicant for patent may file a petition with respect to an invention to institute a derivation proceeding in the Office. The petition shall set forth with particularity the basis for finding that an individual named in an earlier application as the inventor or a joint inventor derived such invention from an individual named in the petitioner's application as the inventor or a joint inventor and, without authorization, the earlier application claiming such invention was filed. Whenever the Director determines that a petition filed under this subsection demonstrates that the standards for instituting a derivation proceeding are met, the Director may institute a derivation proceeding.

“(2) **TIME FOR FILING.**—A petition under this section with respect to an invention that is the same or substantially the same invention as a claim contained in a patent issued on an earlier application, or contained in an earlier application when published or deemed published under section 122(b), may not be filed unless such petition is filed during the 1-year period following the date on which the patent containing such claim was granted or the earlier application containing such claim was published, whichever is earlier.

“(3) **EARLIER APPLICATION.**—For purposes of this section, an application shall not be deemed to be an earlier application with respect to an invention, relative to another application, unless a claim to the invention was or could have been made in such applica-

tion having an effective filing date that is earlier than the effective filing date of any claim to the invention that was or could have been made in such other application.

“(4) **NO APPEAL.**—A determination by the Director whether to institute a derivation proceeding under paragraph (1) shall be final and not appealable.”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall be effective as if included in the amendment made by section 3(i) of the Leahy-Smith America Invents Act.

(3) **REVIEW OF INTERFERENCE DECISIONS.**—The provisions of sections 6 and 141 of title 35, United States Code, and section 1295(a)(4)(A) of title 28, United States Code, as in effect on September 15, 2012, shall apply to interference proceedings that are declared after September 15, 2012, under section 135 of title 35, United States Code, as in effect before the effective date under section 3(n) of the Leahy-Smith America Invents Act. The Patent Trial and Appeal Board may be deemed to be the Board of Patent Appeals and Interferences for purposes of such interference proceedings.

(1) **PATENT AND TRADEMARK PUBLIC ADVISORY COMMITTEES.**—

(1) **IN GENERAL.**—Section 5(a) of title 35, United States Code, is amended—

(A) in paragraph (1), by striking “Members of” and all that follows through “such appointments.” and inserting the following: “In each year, 3 members shall be appointed to each Advisory Committee for 3-year terms that shall begin on December 1 of that year. Any vacancy on an Advisory Committee shall be filled within 90 days after it occurs. A new member who is appointed to fill a vacancy shall be appointed to serve for the remainder of the predecessor's term.”;

(B) by striking paragraph (2) and inserting the following:

“(2) **CHAIR.**—The Secretary of Commerce, in consultation with the Director, shall designate a Chair and Vice Chair of each Advisory Committee from among the members appointed under paragraph (1). If the Chair resigns before the completion of his or her term, or is otherwise unable to exercise the functions of the Chair, the Vice Chair shall exercise the functions of the Chair.”; and

(C) by striking paragraph (3).

(2) **TRANSITION.**—

(A) **IN GENERAL.**—The Secretary of Commerce shall, in the Secretary's discretion, determine the time and manner in which the amendments made by paragraph (1) shall take effect, except that, in each year following the year in which this Act is enacted, 3 members shall be appointed to each Advisory Committee (to which such amendments apply) for 3-year terms that begin on December 1 of that year, in accordance with section 5(a) of title 35, United States Code, as amended by paragraph (1) of this subsection.

(B) **DEEMED TERMINATION OF TERMS.**—In order to implement the amendments made by paragraph (1), the Secretary of Commerce may determine that the term of an existing member of an Advisory Committee under section 5 of title 35, United States Code, shall be deemed to terminate on December 1 of a year beginning after the date of the enactment of this Act, regardless of whether December 1 is before or after the date on which such member's term would terminate if this Act had not been enacted.

(m) **REPORT ON PRE-GATT APPLICATIONS.**—Using existing resources, not later than four months after the date of the enactment of this Act, the Director of the United States Patent and Trademark Office shall submit a report to the Committees on the Judiciary of the United States House of Representatives and the Senate that describes—