

# EXTENSIONS OF REMARKS

A TRIBUTE TO HONOR THE LIFE  
OF JOSEPH ANTHONY STEWART

**HON. JOHN A. BOEHNER**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 12, 2013*

Mr. BOEHNER. Mr. Speaker, I rise today with my colleague from California, Ms. ESHOO, to honor the memory of Joseph A. Stewart, who passed away on December 6, 2013, after a full and enriching life looking out for others.

Joseph was born on January 20, 1941, in Newark, New Jersey. He attended Seton Hall University, earning a degree in classical languages. He received his MA and PhD in human relations and social policy planning from New York University.

His concern for the sick spurred a prolific career in health care that spanned more than 40 years, taking him everywhere from large academic medical centers to community nonprofit hospitals.

The first administrator of Cooperative Care at New York University Medical Center, Joseph went on to hold academic appointments at Carnegie Mellon University and the University of Southern California.

Joseph was also actively involved in his local parish, where he mentored new ministers.

Monsignor Scott Daugherty of St. Anne and Holy Cross Catholic Church in Porterville, California, said Joseph "was a great man, greatly respected by many."

Similarly, Deacon Jim Deiterle said, "He was a great man and had a great outlook on life. . . . He was so committed, so enthused with what he was talking about."

Porterville Unified School District Superintendent John Snively said of Joseph, "What I admired about him is how quickly and how completely he embraced the community."

Indeed, Joseph Stewart was a man who shared and spread every one of his passions—be it faith, education, or health care. He didn't just do a kindness for someone; he connected with them. He moved people.

Joseph will be remembered as a friend, an educator, a mentor, and a leader. He will also be remembered as a brother to Michael, and a father to David, Brian, Charles, and Catherine.

David serves as Policy Director in the Office of the Speaker, and has been a trusted advisor of mine for the last five years. Charles worked for the Senate Commerce Committee before assuming his current position as Communications Director for Ms. Eshoo nearly two years ago.

Both of these gentlemen are held in high regard by colleagues and members of this body. Their outstanding service to this institution makes clear that Joseph's legacy is in the best of hands.

To David and Charles, and to all their loved ones, we offer our prayers and those of the entire House of Representatives.

Let us also offer our deep appreciation for the service of Joseph Anthony Stewart, and

for all the good he did in a life of purpose and accomplishment.

## INNOVATION ACT

SPEECH OF

**HON. SUZANNE BONAMICI**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 12, 2013*

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 3309) to amend title 35, United States Code, and the Leahy-Smith America Invents Act to make improvements and technical corrections, and for other purposes:

Ms. BONAMICI. Mr. Chairman, I rise today to express my support for the Innovation Act, H.R. 3309, but also to note my concerns about provisions of the bill that could undermine patent holders or make it more difficult for them to assert their rights. I hope a conference committee or the Senate will address and resolve these issues before the bill reaches the President's desk.

Patent litigation reform is important and necessary. Over the last few decades we have seen the rise of entities that are created to make profits by extracting payments from small businesses through the assertion of vague allegations of patent infringement. These so-called "patent trolls," also known as "patent assertion entities" (PAEs) buy patents on products they didn't invent and don't manufacture and then threaten and sue innovators who are actually contributing to our economy and creating jobs.

This scheme preys on the unwillingness or inability of small businesses to fight expensive lawsuits in court. PAEs know they can simply send a demand letter including a threat to sue, and regardless of the validity of the claim, a small business more often than not will pay the PAE to make the lawsuit or potential lawsuit go away. Often there is no examination of the validity of the patent or the claim. In fact, in many cases, the business never knows who is threatening or the nature of the alleged infringement. By some estimates this practice is costing American companies \$29 billion each year. Something needs to be done.

This bill takes important steps to protect the rights of entrepreneurs and small businesses if litigation is filed or threatened. The Innovation Act introduces a heightened pleading standard that requires patent holders to identify specifically the patent claims they are asserting and the product or process they allege infringes upon it. They also must identify those who have financial interests in the asserted patent. Importantly, the bill also limits expensive discovery before the court determines the scope of a disputed patent claim. And where the claim is against an end user of the technology, the bill would stay those proceedings in most instances where there is an ongoing action against the customer's supplier. I am quite concerned, however, that other provisions of

this bill have the potential to impede legitimate patent holders from enforcing their rights and expose nonprofit organizations and research universities to unnecessary risk.

First, the fee-shifting provisions make it significantly less likely that an individual inventor or a small business would be able to assert a legitimate patent against an infringer. Patent suits are expensive, and in our American system parties are responsible for their own costs. In recognition of this, attorneys often take cases on a contingency fee basis and get paid a portion of the recovery only if they win. If plaintiffs and their attorneys now have to factor in the risk that they may need to pay not only their own costs and fees but also the costs and fees of the other party, they will be much less likely to assert legitimate enforcement claims. This provision is purported to stop frivolous lawsuits, but it does more than that—it equates a loss with a lack of merit. There are many reasons why a party may have a genuine dispute regarding law and fact and still lose the case; that does not mean that the case was frivolous. This bill creates a presumption of fee shifting, limits judicial discretion, and sets litigation reform on the wrong path.

Second, the joinder provisions in the Innovation Act could allow nonprofit organizations and research universities to be forcibly joined into a case against a downstream user. The purpose of the joinder provision is laudable—to ensure that a troll that loses a patent case cannot hide behind shell companies or other complicated corporate structures to avoid paying a judgment. In such a case it would allow the prevailing party to join another entity that has an economic interest in the patent. But the provision is overbroad. Nonprofit organizations and research universities often spend a great deal of time and effort on research and development; as a result, they frequently hold patents and license them for commercial use. Under this bill, a research university like Oregon State or Portland State could be joined in a lawsuit and forced to pay the judgment of a losing party if that party can't or won't pay. That isn't fair and it could potentially nullify state law. This provision must be narrowed before it goes to the President's desk.

Finally, there are a handful of amendments that would make this bill stronger and I regret that the House has not adopted them. The automatic stay provisions would be stronger if limited to small businesses only, as the Jackson-Lee amendment would do. Likewise, the Watt amendment would mitigate some of the concerns with the fee-shifting provisions by allowing judges to consider whether a prevailing party acted in bad faith or unnecessarily delayed the proceedings when making a fee award. And the Conyers-Watt substitute amendment represents a far better path overall for reducing patent troll litigation without advancing reforms hostile to legitimate plaintiffs.

Mr. Chairman, patent trolls are a problem for small businesses and tech startups in my district and across the country. Their business model is to sue the job creators and

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Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

innovators who drive our economy forward. I am glad that the House has taken concrete steps to address this problem, and I expect improvements will be made to this bill as it continues through the legislative process.

#### HONORING COLLINS FUNERAL HOME

#### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 12, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Collins Funeral Home, Inc. in Jackson, Mississippi. This is the funeral service business for African-Americans which began in the 1880's. The business was Lyman and Harvey Undertakers at the corner of Pearl and Farish Streets. Lyman came from Vicksburg, Mississippi where he had also started a funeral home. He and Jack Harvey sold their business to G. F. Frazier who operated from 406 North Farish Street beginning in 1903. Records from this year forward are maintained by Collins Funeral Home.

In the late 1880's, Malachi Collins and E.W. Hall established a funeral service business, Hall and Collins Funeral Home was in Hattiesburg, Mississippi. This was the first funeral home owned by African-Americans to service the African-American population.

In 1924, as G. F. Frazier prepared to move from Jackson to Cleveland, Ohio, he sold his business to Malachi Collins and his wife Mary A. Collins. For many years, although owned exclusively by Mr. and Mrs. Collins, the company was known as Frazier and Collins Funeral Home. The Collins Burial Insurance Company was established in 1925.

In April, 1939, Mr. and Mrs. Collins moved the business from 406 North Farish across the street to 415 North Farish Street, its present location. Mr. Collins died later that year, and Mrs. Collins, along with a dedicated staff continued to operate the business.

Clarie Collins Harvey, the only child of Mary and Malachi Collins, joined her mother in management of the business in 1950. The Frazier name was dropped and the business became known as Collins Funeral Home, Inc. Mary A. Collins remained president and CEO until her death in 1970 when her daughter assumed these responsibilities.

Since Clarie C. Harvey had no children or siblings, she developed a close relationship with some of her many cousins. Two of them joined her in the business: Ralph E. Collins in 1963, and his sister, Annette Collins Rollins in 1973. They have owned and operated the Collins Funeral Home and Insurance Companies since Mrs. Harvey's death in 1995.

Collins Insurance Company was formed to offer burial insurance to people of color in the community at a time when standard life insurance was not available. Mrs. Harvey took this service a step further by offering to Collins' patrons a funeral service for these limited amounts. In an effort to meet the needs of our changing society, Collins now offers life insurance in face amounts up to \$5,000 and has continued the burial insurance allowing patrons the opportunity to upgrade. Prearrangements are also available for those who want to assure that their needs are met and to lighten the burden on loved ones.

Mr. Speaker, I ask my colleagues to join me in recognizing Collins Funeral Home, Inc.

#### RECOGNIZING THE SERVICE OF DONNA WILLIAMS

#### HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 12, 2013*

Mr. BACHUS. Mr. Speaker, on the occasion of her retirement, I would like to commend the recognition of the House to an individual who has had an immeasurable influence on the lives of young people in the Sixth District and the State of Alabama, Donna Griffin Williams.

One of my longest-serving staff members, Donna has devoted a large part of her working and volunteer life to creating opportunities to help young people achieve their dreams and to highlighting the many positive things that our students are doing in their schools and communities.

Donna's role as the Special Projects Coordinator in my district office has touched the lives of countless young people.

As a congressman, some of my proudest moments have come when I have met with young people who feel called to defend freedom and serve our country in the U.S. military. That is why a function of my office that I have always taken most seriously is the nomination of students to attend a Service Academy. Donna has expertly coordinated this process for me, and over the years it has been a privilege and an honor to have been of help to so many outstanding young people with high character and an abiding love for America.

Donna has also served as our local organizer for the annual Congressional Art Competition, which provides students with the opportunity to have their original artwork displayed at the U.S. Capitol. This competition attracts entries from schools across the Sixth District and is a public showcase for the positive accomplishments of our students.

Donna has also been a principal organizer of a program that brings great joy to my wife Linda and I during each Christmas season, the Holiday Card Call for Art. This program, run in cooperation with the University of Alabama at Birmingham, invites students with visual impairments to submit artwork for our annual Christmas card. The breadth of the creativity is inspiring and Donna has always worked to encourage an excellent level of participation by students and their schools.

Donna's concern for young people has extended beyond work to her civic and volunteer activities. She has provided service as President of the Alabama PTA Board of Directors, a National PTA Board Director, a member of the Mayor's Education Committee, past president of the Vestavia Hills City School Foundation, and member of the A+ Foundation Board. Donna's many other community contributions include her service on the Board of the American Village Citizenship Trust, VIP for United Cerebral Palsy, and her involvement with Leadership Vestavia Hills and Leadership Alabama.

Donna would be the first to say that she has been blessed with a supportive and loving family which includes her husband of 46 years, George, three grown children, and five grandchildren with a sixth soon on the way.

For her service to the residents of the Sixth District and especially the young people who will be the future leaders in our communities, Donna Williams is well-deserving of this recognition and I extend my heartfelt gratitude to her for her loyalty and friendship.

#### PERSONAL EXPLANATION

#### HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 12, 2013*

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 630, I was unable to be present for H.R. 3521. Had I been present, I would have voted "yes".

#### PERSONAL EXPLANATION

#### HON. RICHARD B. NUGENT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 12, 2013*

Mr. NUGENT. Mr. Speaker, due to inclement weather on December 10th, my flight was cancelled and I was unable to vote on H.R. 3521 Dept. of VA Major Medical Facility Lease and H.R. 1402 VA Expiring Authorities Extension. Had I been able to be present, I would have voted for both pieces of legislation. I applaud the passage of these resolutions which will positively benefit our nation's veterans.

TRIBUTE TO JAMES "SHACK" HARRIS, A BARRIER-BREAKING PIONEER IN THE NATIONAL FOOTBALL LEAGUE

#### HON. CEDRIC L. RICHMOND

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 12, 2013*

Mr. RICHMOND. Mr. Speaker, I rise today along with my fellow colleagues Rep. JIM CLYBURN (SC-06), Rep. KAREN BASS (CA-37), Rep. CORRINE BROWN (FL-05), Rep. JOHN CONYERS (MI-13), Rep. ELIJAH CUMMINGS (MD-07), Rep. CHRIS COLLINS (NY-27), Rep. SUSAN DAVIS (CA-53), Rep. BRIAN HIGGINS (NY-26), Rep. JOHN LEWIS (GA-05), Rep. VANCE MCALLISTER (LA-05), Rep. GARY PETERS (MI-14), and Rep. JON RUNYAN (NJ-03) to pay tribute to James "Shack" Harris, in this year marking the fiftieth anniversary of the March on Washington. Like such pioneers as Paul Robeson, Joe Louis, and Jackie Robinson, James Harris applied his brilliant talent and steadfast determination as an athlete to advance the cause of racial equality in America.

James Harris was born and raised in Monroe, Louisiana, during some of the harshest years of segregation when a policy of "massive resistance" against court rulings and federal laws denied equal rights for Black citizens. Racial inequality pervaded football fields as much as buses, hotels and lunch counters in the South.

But the Reverend Nashall Harris, James' father, gave his son an appropriate nickname: "Shack," after the Old Testament's Meshach, one of the three ancient Jews who refused the