

based immigration to an economic-based system.

Now, as the House looks to different vehicles to consider comprehensive immigration reform, I implore the House leadership to understand the importance of diversity; that is, racial, ethnic, religious, national, and especially economic diversity, the visa equity that must be afforded immigrants from around the globe.

If we eliminate country caps without including other avenues for smaller countries, we are jeopardizing the beautiful mosaic that makes this country unique and great.

We must evaluate consideration of the SAFE Act, which is a bad idea and a slap in the face to our immigrant history.

Additionally, we have to have an honest conversation about the relationship between legalization and border security. Allowing those who are here a pathway to citizenship but creating an obstacle course based in fear to obtain the citizenship is not the way to go.

We will never realize the true potential of this country if anyone in our society is held back from realizing their individual dreams. And relying heavily on an economic-based immigration system will exclude many immigrants, creating yet another stratified immigration system, forcing people back into the shadows.

That is why, as we look at the next session of the 113th Congress, I ask my colleagues to take the opportunity to revisit these proposals, sans political pressure, sans the haste to get it done, and take a real look at how we can improve the lives of all Americans and all those who strive with the hope to be an American.

Mr. Speaker, we must get this right. Our national security is at stake. Our moral standing in the world depends upon it. The American people, many of whom are first- and second-generation immigrants, have demanded it.

If we turn our backs on those law-abiding contributors to our civil society that come to our shores only to embrace the American Dream, to labor in the rebuilding of our great Nation, strengthen our economy, and to serve honorably in our military, we turn our back on ourselves and our future.

I can definitely say that the CBC Immigration Taskforce looks forward to continuing this conversation into the new year, ensuring that any comprehensive immigration reform measures mirror the diversity of this Nation.

So I want to thank my colleague, the gentleman from New York, whose district is right next to mine in Brooklyn, for yielding time to me today.

Mr. JEFFRIES. I thank the distinguished gentlelady from New York for her leadership on this issue, for the progress that has already been made, and her continued commitment.

The CBC, as I close, Mr. Speaker, will continue to take its role seriously as

the conscience of the Congress, a voice for the voiceless, and the guardian of the integrity of the democratic process.

And I am just hopeful, as we move forward, that our friends on the other side of the aisle will end the obfuscation, end the obstruction, end the obsession with the Affordable Care Act, and we can find common ground to advance an agenda for the benefit of the American people.

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

THE CONGRESS THAT KILLED THE PATENT SYSTEM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from California (Mr. ROHRABACHER) until 10 p.m.

Mr. ROHRABACHER. Mr. Speaker, I would ask my colleagues, do we want to be known as the Congress that killed the U.S. patent system, a patent system which has served the American people well for 225 years?

I ask America, America, are you listening?

Congress is, once again, talking about reforming the patent system. The last patent reform bill, which passed last year, was the America Invents Act, and it just went into effect earlier this year, and patent lawyers and courts and inventors are still trying to figure out the implications of that change, of the change that that legislation made, and it was the most sweeping change in patent law in the history of our country.

Yet, even before we are able to judge the effects of the America Invents Act, a new patent bill is being rammed through this House and through Congress.

I wish I could focus simply on the bad provisions of this new bill, the Innovation Act. I like to think of it as the Anti-Innovation Act, H.R. 3309, which is expected to be on the floor later this week.

But if the bill is bad, which we are talking about, the process being used to stifle debate and ram this down the congressional throats here on the floor is even worse. In the one Judiciary Committee hearing, witness after witness strongly recommended moving forward slowly, and warned of unintended consequences.

It only takes a few minutes to consider each provision of this bill to see that, although it may be aimed at a single thorn in the side of mega-electronic companies, it will create much more pain in other industries, in higher education, and especially to individual inventors.

In the rush to get H.R. 3309 onto the floor so quickly, it has not been even one single day between when this bill passed the Judiciary Committee and then, thus, becoming available to Members of the House, once it passes the Judiciary Committee, and there

has only not even been one single day of legislative business for Members to consider and submit amendments to the Rules Committee for this important legislation, not one single full day of legislative work, and now this is being rammed down our throats.

And of course, the Thanksgiving holiday happened right after they passed it through the committee. The holiday was right in the middle of a very short time line which, of course, virtually guaranteed that all Members, and most of the staff would not be in Washington, D.C., thus, they passed it right before we left town.

And this schedule suggests what? It suggests that the fix was in. The clear message to little inventors: give thanks for your intellectual property rights because you may not have them this time next year.

Well, this isn't just about rapid, it is also about covert. It seems that we have to pass this bill to find out what is in it. That hasn't worked well for America in the past, and it sure shouldn't be happening again on our watch.

I am calling on my friends and my colleagues who haven't had time to fully understand the implications of this legislation, and that means almost everybody in this body, and we are just back today from the holiday break. If you haven't had time to fully understand the implications of this legislation, join me in demanding a postponement of this vote until after the holiday season, which will give us all sufficient time to consult with our constituents, with experts, and to better understand this legislation and the implications it will have for industry, for American progress, for American inventors and innovators.

Now, to the content of this legislation. We are told this bill is aimed at the threat of so-called patent trolls. These so-called villainous trolls are patent holders, or they are companies who represent patent holders. They are engaged in defending their rights, given to them by ownership of that patent, against the infringement of their patents by someone else.

They own these patents, and these are just as valid as any other patents granted by the Patent Office. But huge corporate infringers would have us believe that these patents are questionable, invalid, unworthy; they are unworthy of being a patent in the first place. Of course, these are the same corporations who have taken these patents and used them without paying the lawful fee that you would pay to someone who invented something that you are using.

Well, this is not the case. They are not paying the inventor, and the patents that are being targeted by these multinational electronics firms as claiming that they are illegitimate, well, most of these were just the product of small inventors. And these small inventors, quite often, because they are

up against mega, multinational corporations, are without a means to defend their rights if these corporations arrogantly decide to violate those patent rights.

And what makes these vilified patents different from the good patents that are owned by these very same large corporations? Well, the so-called patent troll. It happens to be, most of the time, patent trolls are lawyers to take a case on to defend the little guy from theft, but that lawyer didn't invent it. That makes him bad because he is not working for a company, a big mega-company that invents things. No, he is working for a little guy, or he has bought the rights the little man has so that he will get something out of his work.

Well, being out for profit from technology, and from technology that someone did not, he or she, invent themselves, now that is really horrible. Doesn't that sound horrible? Well, no it is not. We live in a society where people litigate to protect their rights, and there is nothing wrong.

We are being told that the patents in question that are going to be dealt with by this legislation, there is a hint that they are not legitimate patents; they are owned by patent trolls. Well, so much for calculated confusion. If the small inventor doesn't have the resources to enforce his or her patent, an individual or company can buy those rights, just like if they don't have the ability to farm, to plant on a farm, they can sell those rights, or they can create a partnership so that they can actually afford to actually protect themselves from being cheated out of their rightful compensation.

I have spoken to independent inventors, conservative political organizations, the American, and all of these people are very suspicious, of course, of these changes that are being put into place in terms of a person's right to litigate to protect their individual rights.

Well, those people are also—there are people who are very suspicious of this legislation, the American Bar Association, industry groups. You have got biotech and pharma, these people, and universities throughout our country who are opposed, or at least very concerned about what is going to happen by H.R. 3309, the so-called Innovation Act, which, as I say, should better be called the Anti-Innovation Act.

Well, we know that this bill, if passed, will further basically further work against the interest, and it will further the disadvantages that the little guys have against deep-pocketed multinational corporations. And this is achieved in the guise, of course, of attacking patent trolls.

See, they have used this word, demonized this word. I happen to have met a person, a man who is a big executive in a major corporation, a major electronics corporation, who was in the meeting with other electronics officials when they coined the phrase, "patent

troll." They were doing it specifically to demonize these lawyers, because they knew they couldn't go after the little inventor or the small inventor or the independent inventor. They couldn't go after him and demonize them, even though they were stealing the patent rights from these individuals, so they would go after the lawyer.

□ 2145

This person was saying that they went around the room with their ideas: What is the most heinous word we could use to help blind the people about what is really going on? He had suggested "patent pirate," but they had decided on "patent troll." Don't be blinded to the theft that is being justified here by demonizing a group of lawyers who are trying to defend small businessmen, basically small inventors.

Proponents of this legislation are demonizing patent lawyers to draw attention away from the fact that they have stolen someone else's patent-protected technology. Now the big guys want to change the system so they can get away with the theft. That is what H.R. 3309 is all about, and that is why it should be called "the Anti-Innovation Act."

It is an aggressive attack on the ability of inventors to defend their ownership rights to the technology they have invented. It is not about frivolous lawsuits or trolls. That is a cynical cover that is being used and was created by the big guys as a license to steal from the little guys.

Former Patent Office Director Kappos and other former directors of the Patent Office have made it clear that we should move slowly about this type of change and with great care when we are making such major changes in the patent law. This legislation is too broad. The simplifications are unclear. The effect is unknowable. That is what witnesses and other experts have indicated. They conclude, "Move forward with caution."

So I ask my colleagues to vote against this bill, but if we can, let's ask our leadership, as I have pleaded with our leadership, to postpone this so we can talk to our educators, talk to the universities, talk to the various employers in our districts, talk to the various people who depend on technology and the technology developed in our country rather than to just go with mega-multinational electronics companies that are guilty of multi-infringement cases as well as antitrust cases.

That is not happening. Congress is being railroaded into passing this legislation right on top of the last legislation. Well, what is going on here? As I say, it is a heavyhanded attempt by mega-multinational corporations to diminish the viability of America's patent system. It has been going on this way—and I have seen this for 25 years.

Strong patent protection has been one of America's greatest assets. It is written into our Constitution. It is the

thing that has given us the ability to have high wages yet be competitive with other societies. It has protected the security of our country and our liberty. That is what strong patent protections have been to us.

But according to the sponsors of H.R. 3309, this isn't really something about undermining the patent system, no; it is undermining the trolls. Just by the fact that everything that they are doing has a major impact on the ability of lawful inventors to protect themselves against infringement, and it diminishes the patent protection that we have had traditionally in this country. Every provision.

Well, what does it do? For the most part, this legislation will make it much more complicated, costly, and challenging to bring a lawsuit against an infringer. For the little guy, it is going to cost him much more to protect his rights.

Well, there you go. These people would like to restrict lawsuits that are totally legitimate to control a few people who have manipulated the system, and thus are abusive lawsuits.

Well, we face this all over. There are many lawyers who are engaged in abusive lawsuits which they shouldn't be filing, but they do. Does that mean that we are going to dramatically limit the rights of the American people to litigate when their rights have been violated by someone else, their property has been taken, or they have been abused and they deserve compensation? No. We are not going to limit those rights. But we will limit the rights of the small inventor and let these big megacorporations take what they want from what this person has invented and not give them compensation for it.

Rather than making it simpler, cheaper, and easier to defend against baseless accusations of infringement—and there are some baseless—what we have done to reduce spurious lawsuits, all we need to do is strengthen the good guys. But this bill weakens the good guys. It weakens ordinary people who are actually contributing a great deal to our country, the independent inventors.

In addition, under the claim of "technical correction," this legislation proposes the removal of the patent system's only independent judicial review process. Section 145 of title 35 in this legislation, if it is enacted, inventors who really believe they have not been treated fairly by the Patent Office—I mean, there may be people in the Patent Office who want to go to work for some major corporation if they decide a certain way, and what they have done, maybe it is not legal. Maybe these things happen in every society, and we need to have a review.

In fact, since 1836, American inventors, if they feel the Patent Office has not dealt with them in a legal way, they have the right to seek independent judicial review. By the way, that right was reaffirmed last year by the Supreme Court in *Kappos versus*

Hyatt, which reaffirmed the importance of that review to maintaining the rights of our inventors. Well, this bill would eliminate that right. It just takes it away, something that has been the right of American inventors since 1836.

I would like to quote my colleague from Texas, Mr. LAMAR SMITH, chairman of the Science Committee and former chairman of the Judiciary Committee, who is the primary author of the America Invents Act, speaking about new environmental regulations at a Science Committee hearing a few weeks ago:

Our Founders recognized that elections alone may not provide adequate protection for the liberties they fought so hard to establish. They made sure that the Constitution provides a means for the American people to obtain a fair hearing before impartial judges.

This may be one of the most underrated rights Americans enjoy today—the right to judicial review. This proposal is an attempt to prevent judicial review. Americans deserve to understand exactly what this proposal would do and retain the right to challenge it.

In it, Mr. Speaker, he went into how important it is to have judicial review, and that Americans understand how important it is to have not just bureaucrats but a judicial review of what government officials are doing, and how important that is to our freedom.

Well, I would say to the gentleman from Texas, Yes, Mr. SMITH, I would agree. He is the chairman of my committee, the Science Committee. I am the vice chairman of the Science Committee.

We disagree on this bill, but I will say that this is an important part of the bill. H.R. 3309 would eliminate the ability for the court to review what these government officials are doing in their job if they hurt another individual. Mr. SMITH thinks that is important when it comes to the environment. I think it is important for the environment and for protecting our inventors. This principle applies just as certainly, as I say, to patent review as it does to environmental regulations.

Now the Patent Office officials have requested, of course, that they don't want to have that judicial review. Why is it? Because they say it is too burdensome. Never mind that very few people have such claims. But we are going to eliminate that right and that option because it is inconvenient for our bureaucracy. That is absurd. For that reason alone, this bill should be defeated.

The legislation going before the House this week is consistent with a decades-long war being waged on America's independent inventors. Here are a few of the provisions of the bill:

It will create more paperwork. When an inventor has to file an infringement claim, it dramatically increases the paperwork necessary for him to file the claim, and, thus, it is not any more expensive, but it increases the possibility that his claim will just be denied out of some technical mistake in the paperwork.

The Innovation Act will switch us to a "loser pays" system. Now, of course, "loser pays" sounds pretty good. That means, if you file a bad suit or something or you lose a suit, the loser is going to pay the legal expenses for the winner. What does that do when you have little guy against big guy, the small inventor versus mega-multibillion dollar international corporation? What it does is say, if a little guy sues the corporation and loses, that is nothing. Paying his legal expenses are absolutely nothing for this big corporation. But if he loses to the corporation, that corporation will have piled on legal expenses that will destroy the economic viability of that small inventor. It is little guy versus big guy. In this case, making the loser pay is a big advantage to the big guy at the expense of the little guy.

What is unfortunate, this bill goes even further than that. This bill will allow the court to bring others into the case as plaintiffs if they have an interest in the patent. So if someone is invested in the person's patent—in the little guy's patent—they have invested in it, and they lose a lawsuit trying to enforce their rights to have compensation for the use of what they have invented, if they lose that suit, the person who is invested with the little guy, he is going to be liable for this massive bill that these big companies are bound to pile on. So this "loser pays" system has some attraction but, in reality, will be a disaster for the little guy trying to enforce his rights.

We have also in this bill that it would create new requirements that the patent holder, once filing a claim for infringement, must provide information about all parties who have an interest in the patent. Thus, what we have is a list that even the infringer will have. So this man, a small businessman, an inventor, will then have all of his business dealings then basically be made public, and his enemies will have that list to go after. This would have destroyed Thomas Edison. This would have destroyed our great inventors of the past. There are people who don't want to put themselves in public view in order to get behind new inventions. This means the total elimination of privacy in dealing with businesses.

Of course, we have another requirement in here that basically is a reporting requirements for the little guy. We have bureaucratic fees that are being forced on the little guy to maintain records that they now don't have to maintain. Thus, you have the situation where the little guy has to have the expense of maintaining a bunch of records, and these things now are just yet another stumbling block.

One of the other restrictions on the little guy is, if he files a suit against the big guys, there is a thing called discovery. Well, everybody else can have discovery, but these little patent guys, these little inventors, if they are filing a suit against a major infringer, not

only do you have to be so specific about what you want—we have replaced a system where there will be one motion—we replaced it, which will require dozens of motions, each motion costing the little inventor tens of thousands of dollars in legal fees.

We are upping the cost, upping the cost, upping the cost, complications, and legal ramifications of a man or woman protecting his or her patent that is a legitimate patent all in the name of getting those terrible trolls, and the troll might not even be involved in this. There might not be any lawyer who is volunteering or is investing in this project.

So what we have got, of course, is another thing where the person is there—you may call him a troll, but now the small business and education outreach part of this is, it authorizes the Patent Office director to create a patent troll database. That means that anybody who goes out to help these small inventors is going to be on a database. I guess you shouldn't really call that a database. Let's call that an enemies list. Because that is probably what it would be used for. Oh, no; that list was going to be made—here are the people you should stay away from. No, these aren't people guilty of crimes. These are people who have engaged in taking on powerful economic interests that are stealing the economic rights of our small inventors.

As I mentioned earlier, it also eliminates the judicial review that we have had since 1836 for our inventors.

Is there anything that could be more of an attack on the well-being of America's inventors? This, as I say, is a consistent pattern that I have seen for 25 years, where what we call "globalists" who are trying to take America's strong patent system and weaken it so that we will not have the advantage that we have had throughout the world.

In the beginning, these people wanted to take fundamental parts of our patent system so that patents, even before they would be issued to the inventor, that they would be published for the whole world to see. That is what these people have been trying to get away with. Year after year after year, they whittle away at the patent protection of our people because they want a global system that is run by international, multinational companies.

The people running those companies, do you think they are loyal to the people of the United States of America? Do you think they have our interests in mind as compared to a small inventor who loves the freedom and liberty that our country offers and understands that in another country, he won't have that same freedom? No, it has been the small inventor.

It has been technological development that has given Americans the standard of living, the security, and the freedom that we have enjoyed, and now this body, we are having a bill rammed down our throats. It has been

rammed through the system. Why? Because they don't want us to fully understand the implications of this bill, H.R. 3309, the Innovation Act, which will kill the small American inventors in this country.

I would ask that our leadership consider postponing this so the American people will have a chance to get a hold of their Congressman, their Representative, so that we will talk and find out what the real effect of H.R. 3309 will have. I ask my colleagues in closing: Do we want to be known as the Congress that killed the U.S. patent system which has served the American people so well for 225 years?

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. CANTOR) for today and the balance of the week on account of illness.

Mrs. McMORRIS RODGERS (at the request of Mr. CANTOR) for today and the balance of the week on account of the birth of her daughter.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on November 21, 2013, she presented to the President of the United States, for his approval, the following bills:

H.R. 3204. To amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes.

H.R. 1848. To ensure that the Federal Aviation Administration advances the safety of small airplanes, and the continued development of the general aviation industry, and for other purposes.

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 1 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, December 3, 2013, at 10 a.m. for morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Report concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the third quarter of 2013 pursuant to Public Law 95-384 is as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES
EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2013

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Jason Chaffetz	8/26	8/28	S. Korea		535.07						535.07
	8/28	8/30	Vietnam		480.18						480.18
	8/30	9/1	Singapore		682.00						682.00
Commercial airfare											
Delegation expenses							12,493.40				12,493.40
James Lewis	8/26	8/28	S. Korea		561.07				754.81		754.81
	8/28	8/30	Vietnam		531.18						531.18
	8/30	9/1	Singapore		924.00						924.00
							12,457.60				12,457.60
Hon. Darrell Issa	9/23	9/23	Italy								
	9/23	9/24	Malta		325.00						325.00
	9/24	9/24	Libya								
	9/24	9/25	Egypt		268.00						268.00
Commercial airfare											
Delegation expenses							13,941.50				13,941.50
James Lewis	9/23	9/23	Italy						879.07		879.07
	9/23	9/24	Malta		278.00						278.00
	9/24	9/24	Libya								
	9/24	9/25	Egypt		268.00						268.00
Commercial airfare							13,393.40				13,393.40
Committee total					4,852.50		52,285.90		1,633.88		58,772.28

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DARRELL E. ISSA, Chairman, Oct. 31, 2013.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3975. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Revisions to Payment Policies under the Physician Fee Schedule, Clinical Laboratory Fee Schedule & Other Revisions to Part B for CY 2014 [CMS-1600-FC] (RIN: 0938-AR56) received December 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

3976. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare and Medicaid Programs: Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs; Hospital Value-Based Purchasing Program; Organ Procurement Organizations; Quality Improvement Organizations; Elec-

tronic Health Records (EHR) Incentive Program; Provider Reimbursement Determinations and Appeals [CMS-1601-FC] (RIN: 0938-AR54) received December 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

(The following action occurred on November 25, 2013)

Mr. ROGERS of Michigan: Permanent Select Committee on Intelligence. H.R. 3381. A bill to authorize appropriations for fiscal year 2014 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other

purposes; with an amendment (Rept. 113-277). Referred to the Committee of the Whole House on the state of the Union.

(Submitted December 2, 2013)

Mr. MCCAUL: Committee on Homeland Security. H.R. 1204. A bill to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to establish an Aviation Security Advisory Committee, and for other purposes; with an amendment (Rept. 113-278). Referred to the Committee of the Whole House on the state of the Union.

Mr. GOODLATTE: Committee on the Judiciary. H.R. 3309. A bill to amend title 35, United States Code, and the Leahy-Smith America Invents Act to make improvements and technical corrections, and for other purposes; with an amendment (Rept. 113-279). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 298. A bill to direct the Secretary of the Interior to conduct