

I've had the opportunity, of course, to be able to meet with foster care children both in my district and here when they've lobbied on the Hill, and their stories are both of passion and commitment to having a future, a commitment to serving the Nation, a commitment to making a difference. Why shouldn't they have the opportunity to make a difference? Why can't they be considered just like those who have different lifestyles, if you will, in terms of a family situation?

So this legislation says that they should have, as well, that kind of orderliness. And if their orderliness comes through a social worker or a caseworker who will have access to their records to be able to plan for them the best format, whether it is to remain in a school, to transfer to a school, when they cannot access that natural parent or any other relative that would stand in for that child. There's nothing more, if you will, desperate and disappointing than to be able to find a child that has no hope, no one to turn to, and really wants to do, wants to accomplish, wants to graduate from high school.

So I believe that the Uninterrupted Scholars Act is a very important provision that reflects the laws that have been passed dealing with privacy as it relates to records of children in post-secondary school and the protection of those school records. This, in particular, allows, let me say, an exception to release the student's education records to a caseworker, State or local child welfare representative, or tribal organization that has a right to access that student's case plans. Again, that helps those students be able to have a lifeline.

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Just a week or so ago, there was an article in *The New York Times* on three young people from Galveston, Texas. They were not necessarily foster care children, but it is indicative of what happens to children of less means. Part of their lack of success was their inability to access the Internet, to get timely notices that they were supposed to apply for a scholarship, to have their parents know that they were supposed to modify their income sheet.

If you can imagine, we just went through Hurricane Ike, and this one child's parents had received aid through Hurricane Ike. Well, they were told that they didn't meet the scholarship standards because they made too much money, and they didn't modify it to say that it wasn't money that we made; it was aid because we were victims of Hurricane Ike.

This is similar to what happens to foster care children, and I am very delighted that we have legislation that is common sense and that we can attribute to the Foster Care Caucus, which we work closely with as a Congressional Children's Caucus.

I want to thank Mr. MILLER and Mr. KLINE for their dedication and commit-

ment to the Nation's children. They are, in fact, a precious resource, and the Uninterrupted Scholars Act is one element of saying that they are important to us.

Let me again thank Congresswoman BASS and Senator LANDRIEU for their leadership, as well.

Mr. ROE of Tennessee. I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

The care and concern for foster children has been a bit of a relay race for myself back in the late seventies and eighties, to Senator Russell Long, to former Congressman Tom Downey, former Majority Leader Tom DeLay, to Senator LANDRIEU, now KAREN BASS from my State of California, and Congressman MCDERMOTT before her.

We've tried to make sure that these young people, with a lot of chaos in their life, far beyond any of their own doing, have a chance to succeed. Clearly, the best chance to succeed is to see that they get a good education and an opportunity to participate in American society and in America's economy. This act, the Uninterrupted Scholars Act, goes a long way toward helping their advocates make sure that they get the best shot at the best education.

So I want to thank all the supporters of this legislation, Congressman ROE and Congressman KLINE, for their support and their willingness to bring it to the floor of the House so we can send it to the President of the United States.

Just before I conclude my remarks, Mr. Speaker, I want to take a moment to recognize a cherished member of my staff who will be leaving the committee at the beginning of January.

Ruth Friedman began her career with me as a fellow in my personal office more than a decade ago. Because of her hard work and dedication and unparalleled expertise, she rose to become my education policy director on the committee.

Ruth holds a Ph.D. in clinical psychology and is one of the foremost experts in early childhood policy. I can tell you that the children of this country benefited every day from her work on the Education Committee.

Ruth has spent her career fighting for the most vulnerable children on issues like child welfare, juvenile justice, early learning, child care, child abuse prevention and treatment. She has worked on countless pieces of legislation successfully, including today's bill, and was instrumental in passing the 2007 Head Start Reauthorization Act.

I want to thank Ruth for her extraordinary service to me, to the committee, to the Nation, and to the Nation's children. Her advice and counsel have been invaluable, and she will be sorely missed, but we know that she has great accomplishments ahead of her.

Ruth, I want to wish you, Pete, and Dylan all of the best. Thank you so

much for all of your service to our committee on both sides of the aisle, and certainly to this Nation's children.

With that, Mr. Speaker, I ask my colleagues to support this legislation, thank Congressman ROE for managing this bill on the floor, and I yield back the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself the balance of my time.

I wish to conclude by saying, Ruth, congratulations, and thank you for all the hard work that you have done for both sides of the aisle and for the work you've done for the children of this Nation.

I also want to thank Senator LANDRIEU and Congresswoman BASS, who is my next-door neighbor in the Cannon Office Building, and Ranking Member MILLER for the work you've done for many decades for the children of this country, and Chairman KLINE.

I will conclude by just saying I'm proud to sponsor the Uninterrupted Scholars Act, and I urge my colleagues a "yes" vote.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. ROE) that the House suspend the rules and pass the bill, S. 3472.

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. ROE of Tennessee. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the 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.

FOREIGN AND ECONOMIC ESPIONAGE PENALTY ENHANCEMENT ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 6029) to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign and Economic Espionage Penalty Enhancement Act of 2012".

SEC. 2. PROTECTING U.S. BUSINESSES FROM FOREIGN ESPIONAGE.

(a) FOR OFFENSES COMMITTED BY INDIVIDUALS.—Section 1831(a) of title 18, United States Code, is amended, in the matter after paragraph (5), by striking "not more than \$500,000" and inserting "not more than \$5,000,000".

(b) FOR OFFENSES COMMITTED BY ORGANIZATIONS.—Section 1831(b) of such title is amended

by striking “not more than \$10,000,000” and inserting “not more than the greater of \$10,000,000 or 3 times the value of the stolen trade secret to the organization, including expenses for research and design and other costs of reproducing the trade secret that the organization has thereby avoided”.

SEC. 3. REVIEW BY THE UNITED STATES SENTENCING COMMISSION.

(a) *IN GENERAL.*—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of offenses relating to the transmission or attempted transmission of a stolen trade secret outside of the United States or economic espionage, in order to reflect the intent of Congress that penalties for such offenses under the Federal sentencing guidelines and policy statements appropriately, reflect the seriousness of these offenses, account for the potential and actual harm caused by these offenses, and provide adequate deterrence against such offenses.

(b) *REQUIREMENTS.*—In carrying out this section, the United States Sentencing Commission shall—

(1) consider the extent to which the Federal sentencing guidelines and policy statements appropriately account for the simple misappropriation of a trade secret, including the sufficiency of the existing enhancement for these offenses to address the seriousness of this conduct;

(2) consider whether additional enhancements in the Federal sentencing guidelines and policy statements are appropriate to account for—

(A) the transmission or attempted transmission of a stolen trade secret outside of the United States; and

(B) the transmission or attempted transmission of a stolen trade secret outside of the United States that is committed or attempted to be committed for the benefit of a foreign government, foreign instrumentality, or foreign agent;

(3) ensure the Federal sentencing guidelines and policy statements reflect the seriousness of these offenses and the need to deter such conduct;

(4) ensure reasonable consistency with other relevant directives, Federal sentencing guidelines and policy statements, and related Federal statutes;

(5) make any necessary conforming changes to the Federal sentencing guidelines and policy statements; and

(6) ensure that the Federal sentencing guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(c) *CONSULTATION.*—In carrying out the review required under this section, the Commission shall consult with individuals or groups representing law enforcement, owners of trade secrets, victims of economic espionage offenses, the United States Department of Justice, the United States Department of Homeland Security, the United States Department of State and the Office of the United States Trade Representative.

(d) *REVIEW.*—Not later than 180 days after the date of enactment of this Act, the Commission shall complete its consideration and review under this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) 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 re-

marks and include extraneous materials on the matter 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 as much time as I may consume.

First of all, I want to thank Judiciary Committee Chairman-elect BOB GOODLATTE, Ranking Member JOHN CONYERS, and IP Subcommittee Ranking Member MEL WATT for their work on this bill.

Mr. Speaker, the Foreign and Economic Espionage Penalty Enhancement Act of 2012 deters and pushes criminals who target U.S. economic and security interests on behalf of foreign interests.

In a dynamic and globally connected information economy, the protection of intangible assets is vital, not only to the success of individual enterprises, but also to the future of entire industries.

In recent years, cybercriminals have shifted from the theft of personal information such as credit cards and Social Security numbers to the theft of corporate intellectual capital.

Our intelligence community has warned us that foreign interests place a high priority on acquiring sensitive U.S. economic information and technologies. In the U.S., the Economic Espionage Act serves as a primary tool the Federal Government uses to protect secret, valuable commercial information from theft.

Our intelligence community declares that there is a “significant and growing threat to our Nation’s prosperity and security” posed by criminals both inside and outside our borders who commit espionage. Congress should also recognize and confront this increasing threat by adjusting our penalties so that we can enhance deterrents and provide appropriate punishments for those criminals who knowingly target our companies for espionage.

I urge my colleagues to support H.R. 6029 as it was amended by the Senate. The original bill was developed in a bipartisan manner and was unanimously reported by both the Judiciary Committee and this House. This is a commonsense and much-needed measure that deserves our full support.

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

I want to thank Judiciary Committee Chairman-Elect BOB GOODLATTE, Ranking Member JOHN CONYERS and IP Subcommittee Ranking Member MEL WATT for their work on this bill. It has been a privilege to serve with them during my tenure as Chairman and Ranking Member of the Judiciary Committee.

I look forward to continuing to explore areas where we can work together in the 113th Congress.

Mr. Speaker, the Foreign and Economic Espionage Penalty Enhancement Act of 2012 deters and punishes criminals who target U.S.

economic and security interests on behalf of foreign interests.

In a dynamic and globally-connected information economy, the protection of intangible assets is vital not only to the success of individual enterprises but also to the future of entire industries.

A global study released last year by McAfee, the world’s largest security technology company, and Science Applications International Corporation, concluded that corporate trade secrets and other sensitive intellectual capital are the newest “currency” of cybercriminals.

In recent years, cybercriminals have shifted from the theft of personal information such as credit cards and social security numbers to the theft of corporate intellectual capital.

Our intelligence community has warned us that foreign interests place a high priority on acquiring sensitive U.S. economic information and technologies.

We know that some individuals intentionally and persistently seek out U.S. information and trade secrets. The most recent report from the Office of the National Counterintelligence Executive specifically cited Chinese as “the world’s most active and persistent perpetrators of economic espionage.”

The report also described Russia’s intelligence services as responsible for “conducting a range of activities to collect economic information and technology from US targets.”

In the U.S., the Economic Espionage Act (EEA) serves as the primary tool the federal government uses to protect secret, valuable commercial information from theft.

On December 18, the House passed S. 3642, an important bill that clarifies the scope of protectable trade secrets.

Since enacting the EEA in 1996, Congress has not adjusted its penalties to take into account the increasing importance of intellectual property to the economic and national security of the U.S.

H.R. 6029, which the House unanimously passed this summer, increases the maximum penalties for an individual convicted of committing espionage on behalf of a foreign entity.

The bill the House passed increases the maximum penalty from 15 to 20 years imprisonment and increases the maximum fine from \$500,000 to \$5 million.

Several Senators wanted to give further consideration to the proposed statutory maximum increase from 15 to 20 years imprisonment.

The Senate amended H.R. 6029 by deleting this single provision. They then passed it unanimously on December 19, so that we may act again and send this bill directly to the desk of the President.

I thank Senators LEE and PAUL along with Senators LEAHY, KOHL and GRASSLEY for helping to resolve concerns and advancing this measure.

Our Intelligence community declares that there is a “significant and growing threat to [our] nation’s prosperity and security” posed by criminals—both inside and outside our borders—who commit espionage.

Congress should also recognize and confront this increasing threat by adjusting our penalties so that we may enhance deterrence and provide appropriate punishments for those criminals who knowingly target our companies for espionage.

I urge my colleagues to support H.R. 6029 as it was amended by the Senate. The original bill was developed in a bipartisan manner and was unanimously reported by both the Judiciary Committee and this House. This is a common sense and much-needed measure that deserves our full support.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume

Mr. Speaker, I rise in support of the Senate amendment to H.R. 6029, the Foreign and Economic Espionage Penalty Enhancement Act of 2012. The House passed this legislation by voice vote in August, and the Senate recently passed a bill with amendment by unanimous consent.

Mr. Speaker, H.R. 6029 will increase the maximum fines that may be imposed for engaging in the Federal offense of economic espionage. The crime of economic espionage consists of knowingly misappropriating trade secrets with the intent or knowledge that the offense will benefit a foreign government.

As reported by the U.S. intellectual property enforcement coordinator, economic espionage is a serious threat to American businesses by foreign governments.

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Economic espionage represents a significant cost to victim companies and threatens the economic security of the United States. This crime inflicts costs on companies, such as the loss of unique intellectual property, the loss of expenditures related to research and development, and the loss of future revenues and profits. Many companies are unaware when their sensitive data is pilfered, and those that find out are often reluctant to report the losses, fearing potential damage to their reputations with investors, customers, and employees.

The pace of the foreign collection of economic information and industrial espionage activities against major United States corporations is accelerating. For example, in fiscal year 2011, the Justice Department and the FBI saw an increase of 29 percent in economic espionage and trade secret theft investigations compared to those in fiscal year 2010.

Details related to recent Federal investigations and prosecutions suggest that economic espionage and trade secret theft on behalf of companies located in China is an emerging trend. For example, at least 34 companies were reportedly victimized by a set of attacks originating in China in 2010. In the attacks, computer viruses were spread via emails to corporate employees, allowing the attackers to have access to emails and sensitive documents.

Foreign hackers constantly target U.S. companies in such ways in order to get every piece of competitive intelligence information they can. We simply cannot allow this to continue to happen. In response to this growing threat, in her 2011 annual report, the

U.S. Intellectual Property Coordinator called upon Congress to increase the penalties for economic espionage, and this bill is consistent with that recommendation.

I would like to commend Members on both sides of the aisle for their work on this bill, particularly the gentleman from Texas, the chair of the committee, Mr. SMITH; the ranking member, the gentleman from Michigan (Mr. CONYERS); the incoming chair of the Judiciary Committee, my colleague from Virginia (Mr. GOODLATTE); and the gentleman from North Carolina (Mr. WATT), who all worked very diligently on this bill. I also want to recognize the leadership of Senator LEAHY.

I urge my colleagues to support the Senate amendment to H.R. 6029, and 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 concur in the Senate amendment to the bill, H.R. 6029.

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, I object to the vote on the ground that a quorum is not present and make the 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.

CORRECTING AND IMPROVING THE LEAHY-SMITH AMERICA INVENTS ACT

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

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

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) *JOINER 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