

from a fixed date (rather than from the date that they are appointed), and requires Chairmen and Vice Chairmen to be designated from among existing members. (Current law designates only a Chairman and gives him a 3-year term.) These changes will produce better coordination of members' terms, will allow experienced Chairmen to be appointed without requiring such individuals to serve two 3-year terms, and will provide for automatic replacement of a Chairman who does not complete his term of service. (AIPLA request.)

(m) Report on pre-GATT Applications. The URAA amendments took effect on June 8, 1995 but were made inapplicable to applications filed before that effective date. Unfortunately, a small number of applicants may have engaged in clearly dilatory behavior and continue to maintain pending applications with effective-filing dates that precede the URAA effective date.

It is highly unlikely that the 103d Congress ever conceived that its amendments to §154(a) would remain inapplicable to applications still pending in this Congress. The issuance of any such patent at this late date would be grossly prejudicial to the public. Many of these applications claim invention dates in the 1980s, and some even claim priority dates in the 1970s. To remove such technology from the public domain in 2012 would work a clear injustice on the public, and would bear no relation to the patent system's purpose of promoting the progress of science and the useful arts.

An earlier version of this Act included a provision that would have required these applicants to complete prosecution of these applications promptly after the enactment of the Act. To avoid controversy that might delay the enactment of this Act, the present Act substitutes the earlier proposal with a requirement that USPTO issue a report that will provide Congress and the public with relevant information about these applications. The Committee expects that the report will contribute to an understanding of whether these applications present special circumstances that require further legislative, executive, or judicial action in order to ensure transparency and protect the public's interests.

(n) Micro Entity Definition. This subsection corrects a scrivener's error in the AIA's definition of the "micro entities" that are entitled to a fee reduction. This change has no substantive effect.

(o) Default Effective Date. This subsection provides that the amendments made by this Act apply to proceedings commenced on or after the enactment of the Act, except where the provisions of the Act include their own effective date or modify an existing law's effective date.

OTHER ISSUES FOR FUTURE CONSIDERATION

Post-Grant Review Could-Have-Raised Estoppel. The version of post-grant review that was enacted by the Leahy-Smith America Invents Act bars a petitioner who completes such a review from challenging any of the claims of the patent that were reviewed in the proceeding on any ground that the petitioner "could have raised" in the post-grant review. Although this broad estoppel first appeared in the bill that was reported by the House Judiciary Committee in June 2011, no amendment adopted by the committee authorized such a change. The change appears to have been made by staff charged with making technical corrections to the bill, who apparently assumed that the omission of could-have-raised estoppel in §325(e)(2) was an oversight.

The application of a civil-litigation could-have-raised estoppel to PGR would cripple that proceeding if it is not corrected. All va-

lidity issues can be raised in PGR, and must be raised during the first nine months of the patent's life and without the benefit of discovery. Thus if could-have-raised estoppel were applied to PGR, a PGR challenger would effectively have to waive the possibility of raising any validity defense against the patent if he is later sued for infringement—and all without an opportunity to adequately investigate enablement and other discovery-intensive issues. In order to ensure that the post-grant review system that USPTO has recently implemented does not simply become a white elephant, it is important that this scrivener's error be corrected in the future. And, lest anyone suggest that the correction of this error is properly regarded as controversial, allow me to note that this correction would simply conform the PGR estoppel provisions to those of the bill that passed the Senate on March 8, 2011, by a vote of 95-5.

DEPARTMENT OF STATE REWARDS PROGRAM UPDATE AND TECHNICAL CORRECTIONS ACT OF 2012

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 30, 2012

Mr. VAN HOLLEN. Mr. Speaker, I rise as a cosponsor of the State Department Rewards Program Update Act to thank my House colleagues Representatives BERMAN and ROSLEHTINEN for their collaboration on the bill and also to thank Senator KERRY for introducing and managing the Senate companion.

This measure expands on the authority of the State Department to issue rewards for information that leads to the arrest and conviction of people accused of the commission of armed terrorist attacks, drug trafficking, cybercrimes, animal poaching and transnational organized crimes. I added my name as a cosponsor to the bill because I hoped it would contribute to existing international efforts to capture Joseph Kony, the guerrilla leader of the Lord's Resistance Army who has abducted, tortured, abused and forced thousands of children into a life of brutal violence and sexual slavery. Though one of Kony's top lieutenants has been captured, Kony remains on the run.

With the passage of this measure, more resources will be made available to help bring him to justice. I encourage my colleagues to join me in support of the bill.

IN TRIBUTE TO MY STAFF

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 31, 2012

Mr. GALLEGLY. Mr. Speaker, I rise in tribute to the men and women who work day after day, and often on nights and weekends, that I may best serve the people of California's 24th Congressional District.

During my 26 years in Congress, I have hired the best self-starters I could find who have a proven track record of caring for the people for whom they serve. As a result, I

have one of the smallest staffs of any Member of Congress. As proof of their dedication and professionalism, I also have one of the lowest turnover rates of any Member of Congress.

My district director, Paula Sheil, started with me in 1972 in the private sector and has run my district office since I was first elected to Congress. In addition to running the day-to-day operations of my district office, Paula brings me back to earth and redirects my energies when I get off-kilter.

As my district chief of staff for 20 years, Brian Miller served as my surrogate in the district when I was in Washington, DC. He knows everyone, everyone knows him, and he has been instrumental in my knowledge of the needs and concerns of the county, cities, districts, organizations and individuals throughout the district.

Tina Cobb has been handling my casework for 20 years. If a constituent has a problem and Tina can not solve it, it cannot be solved. She knows the ins and outs of our Federal agencies and can cut through red tape like no one else.

Myrna Vafee joined my district staff 6 years ago. In addition to doing case work, Myrna does all the chores necessary to keep an office running, from sorting mail to greeting constituents. Her smile immediately puts people at ease.

Thomas Widroe has been my deputy district director for 2 years, working from my Solvang office and acting as my eyes and ears in the North County.

Joel Kassiday has been my chief of staff in Washington, DC, for 11 years. Joel is the epitome of efficiency. I have learned to be very careful before I ask Joel to undertake a task because he has it done before you have a chance to change your mind.

Marianne Brant, my executive assistant, has been with me for 6 years. Marianne's primary responsibility is to maintain my schedule and to make sure I am where I am supposed to be. There probably is no tougher job in a congressional office and Marianne does it with poise, efficiency, and an ever-present smile.

Richard Mereu, my chief counsel and administrative assistant, has been a trusted advisor for 18 years. He has served as my staff director on the subcommittees I've chaired on both the Foreign Affairs and Judiciary committees, in addition to advising me on a wide range of legislative issues.

Tom Pfeifer joined my staff 14 years ago after 15 years as a journalist in my district. Tom's knowledge of the media, the people, the issues, and the politics of the district has made him a valuable resource in my D.C. office.

Cecilia Daly has been my legislative counsel for 6 years. Cecilia is a master researcher who takes great pleasure in tutoring our interns on that skill.

Kenneth Steinhardt first came to my office as an intern and came to work for me full time 7 years ago. Kenny is a bulldog on legislation. He builds coalitions on and off the Hill to move a bill and does not let up.

RJ Hauman is my newest staff member. As staff assistant, he is often the first person a constituent interacts with in my D.C. office.

Mr. Speaker, this is just my current staff. I have had many other great staffers over the years, but to try to name them all would take too long. Suffice it to say that I am grateful for their service as well. These are the best of the