

The high cost of patent litigation is widely publicized, and it is not unusual for a patent suit to cost each party over \$10,000,000. Appeals from district courts to the Court of Appeals for the Federal Circuit are frequent. This is caused, in part, by the general perception within the patent community that most district court judges are not sufficiently prepared to hear patent cases. I drafted this legislation in an attempt to decrease the cost of litigation by increasing the success of district court judges.

H.R. 628 establishes a pilot project within at least six district courts. Under the pilot, judges decide whether or not to opt into hearing patent cases. If a judge opts in, and a patent case is randomly assigned to that judge, that judge keeps the case. If a case is randomly assigned to a judge who has not opted into hearing patent cases, that judge has the choice of keeping that case or sending it to the group of judges who have opted in. To be a designated court, the court must have at least 10 authorized judges with at least 3 opting in, or certify that they have adopted local rules for patent and plant variety protection cases.

The core intent of this pilot is to steer patent cases to judges that have the desire and aptitude to hear patent cases, while preserving random assignment as much as possible. The pilot will last no longer than 10 years, and periodic studies will occur to determine the pilot project's success.

I am happy to say that H.R. 628 is supported by software, hardware, tech and electronics companies, pharmaceutical companies, biotech companies, district court judges, the American Intellectual Property Law Association, and the Intellectual Property Owners Association among others.

This legislation is a good first step toward improving the legal environment for the patent community in the United States. H.R. 628 should not, however, be taken as a replacement for broader patent reform. We still need to address substantive issues within patent law, and I look forward to working with my colleagues on that broader effort as well.

I thank Judiciary Committee Chairman JOHN CONYERS and Ranking Member LAMAR SMITH, as well as Senators HATCH and LEAHY. I also thank my staff and the committee staff who worked so hard to make this possible.

I encourage all of my colleagues to support H.R. 628.

Ms. CHU. Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Mr. POE of Texas. I yield myself as much time as I may consume.

Mr. Speaker, patent law is complicated. It is difficult. It is messy. Now, that's why law schools have a special track for those that want to be patent lawyers. They get their own certification, in many law schools, because it is so complicated. And then when those cases go to court, they need to be presented to a judge that has a lot of experience in patent law. It is a difficult, complex legal issue in almost every case. And those cases take, sometimes, years before they are resolved in court, then on appeal, and the reversal rate is extremely high.

This legislation, hopefully, corrects that problem in giving those district judges that want to hear these cases

that special expertise in hearing a great number of these cases, becoming experts and understanding the law, the complexities of the law and, hopefully, getting a better and quicker result in the courtrooms of the United States. I support this legislation.

I want to commend, once again, the two representatives from California, Mr. SCHIFF and Mr. ISSA, for their long endurance over sponsoring this legislation.

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

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

The SPEAKER pro tempore (Mr. WEINER). The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 628.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. CHU. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### PRESERVING FOREIGN CRIMINAL ASSETS FOR FORFEITURE ACT OF 2010

Ms. CHU. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4005) to amend title 28, United States Code, to prevent the proceeds or instrumentalities of foreign crime located in the United States from being shielded from foreign forfeiture proceedings.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 4005

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

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Preserving Foreign Criminal Assets for Forfeiture Act of 2010".

##### SEC. 2. PRESERVATION OF PROPERTY SUBJECT TO FORFEITURE UNDER FOREIGN LAW.

Section 2467(d)(3)(A) of title 28, United States Code, is amended to read as follows:

“(A) RESTRAINING ORDERS.—

“(i) IN GENERAL.—To preserve the availability of property subject to civil or criminal forfeiture under foreign law, the Government may apply for, and the court may issue, a restraining order at any time before or after the initiation of forfeiture proceedings by a foreign nation.

“(ii) PROCEDURES.—

“(I) IN GENERAL.—A restraining order under this subparagraph shall be issued in a manner consistent with subparagraphs (A), (C), and (E) of paragraph (1) and the procedural due process protections for a restraining order under section 983(j) of title 18.

“(II) APPLICATION.—For purposes of applying such section 983(j)—

“(aa) references in such section 983(j) to civil forfeiture or the filing of a complaint shall be deemed to refer to the applicable foreign criminal or forfeiture proceedings; and

“(bb) the reference in paragraph (1)(B)(i) of such section 983(j) to the United States shall be deemed to refer to the foreign nation.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

##### GENERAL LEAVE

Ms. CHU. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Ms. CHU. I yield myself such time as I may consume.

Mr. Speaker, the Preserving Foreign Criminal Assets for Forfeiture Act of 2010 will ensure that U.S. courts can freeze assets while foreign legal proceedings are pending. This fix permits Federal law enforcement to assist foreign governments without waiting for a final judgment in a foreign court.

I want to tell you a story that highlights the importance of this legislation. Years ago, I met a bright young man named Bobby Salcedo, who grew up in my district in El Monte, California. What struck me right away was Bobby's dedication to improving the lives of children and residents of his community. It was that dedication that gave him his incredible energy and passion to achieve as much as he did.

He was an elected member of the El Monte School District. He returned to his alma mater, Mountain View High School, to become its assistant principal, and was studying for his doctorate in education at UCLA.

Aside from his caring, selfless nature, Bobby was very intelligent, driven, and charismatic. It was clear to everyone who knew him that he was going somewhere. He was our rising star.

A year ago, Bobby traveled to Gomez Palacio in the Mexican state of Durango to visit his wife's family for the holidays. On New Year's Eve, he was out with family and friends at a local restaurant when gunmen burst in and dragged Bobby, along with five other men, out of the restaurant at gunpoint. They were then each shot to death execution-style. The next day, all six bodies were found dumped in a ditch. Bobby was only 33 years old.

After the investigation began, it was confirmed that none of the six murder victims were connected to the drug trade in any way. Bobby and the others were in the wrong place at the wrong time. Their deaths exemplify a growing number of innocent bystanders who are

becoming victimized in the cartel violence in Mexico.

It had seemed as though the situation could not get worse. However, only weeks after Bobby was so brutally murdered, the lead state investigator in his case was also shot dead.

For me and thousands of others, Bobby's death is a symbol for both of our countries that progress for peace in Mexico must be made. We cannot allow the death of innocent bystanders or American citizens to pass without consequences. Until there is true accountability for the violence, there is little incentive for the drug lords to keep the peace.

In my conversations with law enforcement, I hear the same thing over and over again. In order to stop this wave of violence on the border and protect both American and Mexican citizens, we must hit the cartels where it hurts the most—their bank accounts and property, which are often located in the United States. So when I heard that Federal courts had severely limited law enforcement's ability to freeze foreign assets in the United States at the request of foreign governments, I had to act.

In 2000, Congress passed the Civil Asset Forfeiture Reform Act of 2000, which authorized Federal courts to assist foreign nations by freezing assets located in the United States while individuals stood trial in foreign courts. This process is consistent with our treaty obligations and, under those same international agreements, foreign courts will offer the United States similar assistance with assets located overseas.

This law is an important tool to fight organized crime, money laundering, and drug trafficking. It allows the U.S. to assist foreign governments in cutting the money supply to international criminal organizations.

Earlier this year, however, Federal courts interpreted the statute to apply only after a final decision has been reached in a foreign court proceeding. After the decision, law enforcement had no way to prevent illicit property from being moved out of our grasp before it was too late.

In the past few months, our government has been unable to protect more than \$550 million that had been identified for forfeiture by foreign governments. This money will remain a continuing resource for criminal organizations, allowing them to fund extensive additional criminal activity.

The bill we are considering today includes due process protections similar to those used for restraining orders in anticipation of domestic forfeiture judgments. It also requires the courts to verify that the relevant foreign tribunal observes due process protections, has subject matter jurisdiction, and is not acting as a result of fraud.

This is just one small step to ensure that international criminal organizations like the cartels that murdered Bobby Salcedo have fewer resources to

evade prosecution. It is for Bobby, his family, and the thousands of others who have been affected by cartel violence around the world that I fought to pass this important legislation.

□ 1320

I thank the chairman of the Judiciary Committee for allowing this bill to come to the floor so quickly, and I want to recognize the steadfast bipartisan support of my friend, Judge TED POE, and our colleagues in the Senate, Senators WHITEHOUSE and CORNYN.

This bill has the support of the Department of Justice, which is eager to use this tool to protect our borders and make the world a safer place. I urge my colleagues to support this important legislation.

I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 4005, the Preserving Foreign Criminal Assets for Forfeiture Act of 2010, makes a simple, yet very important, technical change to Federal law to facilitate asset preservation for foreign countries. I am pleased to be a cosponsor of this legislation, and I commend my colleague from California (Ms. CHU) in sponsoring this House companion to S. 4005. I would like to thank her for her work on this issue in bringing it before Congress.

Federal law currently provides procedures by which the Federal Government can seek a court order to preserve or freeze certain domestic assets on behalf of a foreign government. This is an important tool to take out of the hands of criminals the proceeds that fund their illegal operations.

Criminals will go to great lengths to stash their ill-gotten profits. And whether it is an international drug cartel, a terrorist group, organized crime syndicate, or simply a savvy computer hacker or corrupt corporation, the key to putting a stop to their crimes is to put a stranglehold on their money that they have illegally obtained. But a recent D.C. circuit court of appeals decision limits the ability of the United States to assist foreign governments in retaining and restraining those assets.

The court interpreted section 2464 of title 28, governing the entry of foreign judgments, to authorize a U.S. court to freeze assets only after the foreign court's final forfeiture judgment. This is a significant limitation on our ability to assist in foreign forfeiture proceedings. If forced to await until a final foreign judgment is entered, we run the risk of allowing thousands, if not millions, of dollars to slip through our hands into the hands of the criminals.

In many countries, like Mexico, their judiciaries operate at a much slower pace than ours, and their prosecution rates are much lower. In fact, the criminal conviction rate in Mexico is less than 10 percent. Therefore, a lot of times, by the time a forfeiture judgment is made, the target has already moved their assets someplace else.

This hampers our ability to go after Mexican cartel members who have assets here in the United States. So unless Congress clarifies the scope of section 2467, we run the risk of losing cooperation from foreign governments in our request to seize assets that are held abroad.

The investigation into the multi-billion dollar Ponzi scheme undertaken by Allen Stanford demonstrates our need for foreign countries to continue to freeze assets on our behalf. To date, Switzerland, Canada, and the United Kingdom have restrained a combined \$400 million on behalf of the United States in just the Stanford case. This is money that certainly could have been lost if the United States was prevented from requesting such assistance from our allies until a final judgment was made.

The court of appeals was correct that it is not a court's role to substitute its view or policy for the legislation which has been passed by Congress. So I don't argue with the court's decision; but it is Congress' obligation to change and fix the law so that this does not occur in the future. With adoption of this legislation, Congress is establishing a clear and simple policy on the restraint of foreign assets.

So I commend my colleagues, Senators Whitehouse and Cornyn, and of course the gentlelady from California (Ms. CHU), for their efforts to clarify this statute. We must ensure that foreign governments can continue to rely on our assistance with their criminal prosecutions and the United States will continue to receive the same cooperation from our foreign allies.

I urge my colleagues to support this legislation.

I yield such time as he wishes to consume to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I thank my colleague from Texas for yielding.

Mr. Speaker, I rise in strong support of the Preserving Criminal Assets for Forfeiture Act, and I want to commend my colleagues, both Ms. CHU and Judge Poe, for bringing this forward.

As he talked about, we've got a problem right now where a court case has allowed a loophole, a major loophole, where criminal organizations are able to shield their assets from our Justice Department. We do not want, and we cannot allow, for these foreign criminal organizations, whether it is drug cartels, money launderers, or others, to be able to shield those assets from the law, not only removing the accountability, but allowing them to keep those assets that they may use against our law enforcement here in the United States. It is critical that we get this passed quickly to close this loophole and prevent those types of shielding from the law as it is currently happening.

I also want to point out something else that my colleague from Texas talked about. In the Stanford case, this is a case where somebody created a

Ponzi scheme that affected lots of people in my State, in Texas, and other States. We cannot allow these kinds of people to be able to shield their assets from justice. Ultimately, they need to have their day in court, and they need to have to face justice for the things that they did to our American citizens here.

I strongly support this legislation and urge all of my colleagues to do so as well.

Ms. CHU. I reserve the balance of my time.

Mr. POE of Texas. I yield myself such time as I may consume.

Mr. Speaker, the forfeiture concept is very important to the helping of our law enforcement agencies throughout the United States. It is the concept that criminals, drug cartels make a lot of money off the crimes they commit; and that money, when confiscated, should be not given back to the perpetrator, of course. It should be used for law enforcement and other worthwhile endeavors.

Under current law, this problem is an extreme problem because of the fact that many times, by the time the criminal cartel has been captured and they go to trial, they have hidden their assets and then there is no money to go back into the forfeiture.

So this legislation prevents this problem from occurring in the future. It allows the seizure of those assets where they can be used for law enforcement. It makes criminals pay the rent on the courthouse and pay for the system that they have created, and it helps in the forfeiture.

I cannot overemphasize how important forfeiture of illegal, ill-gotten gain is to our law enforcement agencies. Just one example of this: down on the Texas border where our sheriffs are operating on the border, we have got one county. The sheriff in Hudspeth County doesn't even have a budget for the motor pool; in other words, he has no vehicles that are funded at taxpayer expense. So the only way he gets vehicles is capturing drug cartels and drug runners when they come into Hudspeth County and forfeiting their vehicles to law enforcement. That is why they have a nice set of Escalades that they use in the fight on the drug cartel.

So forfeiture, whether it is vehicles or whether it is money, is extremely important to law enforcement; and we must continue to help them where we can and make the criminals pay for the system they have created and pay the rent on the courthouse.

I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and pass the bill, S. 4005.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1330

#### GYNECOLOGIC CANCER EDUCATION AND AWARENESS ACT

Mrs. CAPPS. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2941) to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

#### SECTION 1. REAUTHORIZATION AND ENHANCEMENT OF JOHANNA'S LAW.

(a) *IN GENERAL.*—Section 317P(d) of the Public Health Service Act (42 U.S.C. 247b-17(d)(4)) is amended—

(1) in paragraph (4), by inserting after “2009” the following: “and \$18,000,000 for the period of fiscal years 2012 through 2014”; and

(2) by redesignating paragraph (4) as paragraph (6).

(b) *CONSULTATION WITH NONPROFIT GYNECOLOGIC CANCER ORGANIZATIONS.*—Section 317P(d) of such Act (42 U.S.C. 247b-17(d)), as amended by subsection (a), is further amended by inserting after paragraph (3) the following:

“(4) *CONSULTATION WITH NONPROFIT GYNECOLOGIC CANCER ORGANIZATIONS.*—In carrying out the national campaign under this subsection, the Secretary shall consult with non-profit gynecologic cancer organizations, with a mission both to conquer ovarian or other gynecologic cancer and to provide outreach to State and local governments and communities, for the purpose of determining the best practices for providing gynecologic cancer information and outreach services to varied populations.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. CAPPS) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

Mrs. CAPPS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

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

There was no objection.

Mrs. CAPPS. I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 2941, a bill to reauthorize Johanna's Law. I would also like to acknowledge the hard work of the bill's sponsor, Representative DELAURO, on this legislation. She has been a tireless supporter of this program and a staunch advocate for this reauthorization.

The bill reauthorizes an existing CDC program to educate women and health care providers about the detection and treatment of gynecological cancers. Gynecological cancers are diagnosed in

over 80,000 American women annually and they kill nearly 28,000. The program educates women so that they can recognize the warning signs of gynecological cancers, because when such cancers are found early, treatment is most effective. The program also connects women to patient support services and key national organizations which are fighting gynecological cancers.

I know that many of my colleagues here today are cosponsors of the bill, and I urge you all in joining me in supporting it.

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

Mr. TERRY. I yield myself such time as I may consume.

Mr. Speaker, I, too, rise in favor of H.R. 2941, otherwise known as Johanna's Law reauthorization. It would reauthorize Johanna's Law, which was first passed by Congress at the end of the 2006 session and directed the Health and Human Services Department to carry out a national campaign to increase awareness of gynecological cancer.

In 2006, 76,515 women were told that they had gynecological cancer and 27,848 died from that cancer. H.R. 2941 would authorize the Centers for Disease Control and Prevention to continue the nationwide campaign which is entitled “Inside Knowledge: Get the Facts About Gynecologic Cancer.” The campaign is designed to increase the awareness and knowledge of health care providers and women with respect to gynecological cancers.

Cancer screenings are effective when they can detect the disease early. It is widely known that the earlier the disease is caught, the greater chance a person has to survive it. However, in the group of gynecological cancers, only cervical cancer has a screening test that can detect the cancer in its earliest stages. It is therefore important that both individual women and their physicians remain aware of the disease and recognize signals that could lead to an earlier detection of the disease. That is why I urge all of my colleagues to support Johanna's Law.

Mr. Speaker, I now yield such time as he may consume to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding.

Ovarian cancer, if it is caught early, has a 93-percent chance for 5-year survival for women with this terrible cancer, and if they don't catch it early, only 27 percent of the ladies that get it have a chance of survival.

This bill was named after Johanna Silver Gordon, who went to the doctor regularly for her physical. Her doctor missed the ovarian cancer that she had, and, like many women, because the doctor either misdiagnosed or missed it, she passed away, I believe in December of 2006.

This was brought to my attention by a very good friend, Ms. Kolleen Stacy, in Indiana, who had gynecological cancer. She fought it for many years and