

report on the 2008 election said that there were significant problems for persons with disabilities in gaining access to the polls. Physical barriers remain in far too many cases. In fact, 31 states reported that ensuring polling place accessibility was “challenging.” The EAC should be strengthened to ensure that we have in place strong standards that will improve the voting experience for all Americans. The EAC has already played a central role in improving the accessibility of voting for the country’s more than 37 million voters with disabilities.

Furthermore, the EAC’s certification program is helping state and local governments save money. The EAC uses its oversight role to coordinate with manufacturers and local election officials in order to ensure that the existing equipment meets its durability and longevity potential. This saves state and local governments from the unnecessary expense of new voting equipment.

Mr. Speaker, eliminating the EAC at this time would be a regrettable mistake. We need to take steps to safeguard our democratic process, and agencies like the EAC should be strengthened in order to protect Americans’ right to vote.

---

PAYING TRIBUTE TO THE LIFE OF  
MR. DANIEL EDWARD WEBB

**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 24, 2011*

Mr. COSTA. Mr. Speaker, I rise today with my colleague, Mr. CARDOZA, to pay tribute and honor the life of Daniel Edward Webb, who passed away at the age of 49, on Sunday, June 19, 2011. Dan and I had known each other for several decades and I greatly cherished our friendship. We say good bye to Dan as a brother, uncle, friend, avid forester and dedicated public servant.

Born in Mariposa, California, July 3, 1961, Dan was the fifth of eight children. He spent several summers in the Sierra Nevada in the Youth Conservation Corps which sparked a lifelong admiration for the outdoors. His affinity for the mountains seemed to have been born with him, and his passion never wavered, no matter how removed his environment. Dan went on to graduate from Kingsburg High School, and attended Reedley College, where he was both active in the Forestry Program and served as student body president. He subsequently earned a Bachelor of Science degree in Agriculture from Cal Poly San Luis Obispo. During this time, he continued to spend his summers in the mountains and eventually went to work for the United States Forest Service as a Park Ranger. Dan had many stories to tell about his time in the Forest Service, and I was fortunate to hear a great deal of them, including the time when he helped Jane Fonda find her way while on a hike in Kings Canyon National Park.

Dan also had strong political interests that were harmonious with his dedication to public service and the environment. At one point, he worked for Congressman Richard Lehman, serving the San Joaquin Valley in the areas of agriculture, water, and public safety. Afterwards, he came to work for me as my District Director, and then joined me in the California

State Senate as a policy advisor to the Senate Agriculture and Water Committee. Following his time with me in the State Senate, Governor Gray Davis appointed Dan as his deputy secretary to the California Department of Food and Agriculture. Having successfully completed many years of public service, Dan used his knowledge and political skills to launch a successful consulting career, specializing in biotechnology and agricultural science.

Dan will best be remembered by those who knew him for his wit, humor, love of people, and his simple generosity. He gave of himself freely, whether it was in offering food to the homeless or helping a friend repair a water pipe, and for that selflessness, we honor him.

Dan was preceded in death by his mother Agnes, his father George Sr., and infant brother Andy. He is survived by siblings George Webb Jr. of Granite City, Illinois, Sheila Yokota of Kingsburg, Lisa Inouye of Kingsburg, Mark Webb of Leander, Texas, Colleen Webb of Ventura, and Byron Webb of Merced.

Mr. Speaker, it is with great humility, honor and respect that Mr. CARDOZA and I ask our colleagues in the House of Representatives to pay tribute to the life of Daniel Webb: a dedicated public servant, a forester, a brother, a friend—a great American.

---

AMERICA INVENTS ACT

SPEECH OF

**HON. HENRY A. WAXMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 22, 2011*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1249) to amend title 35, United States Code, to provide for patent reform:

Mr. WAXMAN. Madam Chair, it is with great frustration that I rise in opposition to H.R. 1249, the America Invents Act.

Our nation’s patent system is the backbone of our knowledge-based economy and the well-spring of our most competitive industries. Since the era of the Founding Fathers, the patent system has evolved on the principle that individuals are entitled and encouraged to claim ownership of their thoughts and discoveries. For this reason we continue to be a world leader in innovation, producing some of the greatest scientific advances of the modern era and serving as a robust market for all around in the world who want to invest in or introduce the next “big idea.”

The objective of patent reform is to improve patent quality, reduce uncertainty and modernize a Patent and Trademark Office (PTO) mired in inefficiencies and delays. Regrettably, this bill as amended fails to achieve these critical goals.

On the issue of patent quality, I am deeply disappointed that Section 12 of the bill introduces a new supplemental examination procedure permitting patent holders a second chance to correct or revise information that was inaccurate or omitted at the time the patent was filed. The provision also prohibits any information provided in a reexamination proceeding from being used as evidence that a patent holder committed inequitable conduct and deliberately filed a patent application that was misleading or deceptive.

Effectively, this amounts to a “get out of jail free card” for any company fearful of having their patent invalidated because they deceived the PTO. Furthermore, nothing in the bill would stop a patent holder from seeking a supplemental examination with information that wasn’t even available at the time the patent was originally filed. What is to stop a drug company from submitting new clinical studies conducted after the patent was filed to shore up questionable claims in an original application? And what is to stop a company from cutting corners on a patent application when they know they can just fix it later?

If this bill is enacted into law, I am hopeful that the PTO will, at a minimum, adopt reasonable limitations on this procedure such as prohibiting reexamination of information that didn’t exist at the time of the original filing. It is essential that the agency carefully police what stands to be an abusive practice.

On the issue of certainty, I am concerned that this bill fails to offer greater clarity of the protection available to inventors during the “grace period,” or the one year period an inventor has to file a patent application after disclosing or publishing information about the invention. This time is critical for small inventors to conduct market research, pitch their ideas to investors, and raise sufficient capital to file a quality patent application. As our system shifts from a first-inventor-to-file to a first-to-file paradigm, small inventors face an increased risk that someone will hear their idea and race ahead of them to file a patent or use their own pitch materials against them to claim there is prior art undermining the patent application.

Which brings me to the issue of modernization. This legislation is a leap of faith. It represents a dramatic transformation of the patent system and introduces a host of new mechanisms for pre-grant submissions, post-grant challenges, and revamped derivation proceedings at an agency already mired in backlogs. Rather than giving the PTO the resources it needs to implement these sweeping changes, the Republican leadership has refused to let the agency collect and allocate the fees paid by patent filers. Instead, the agency must remain at the mercy of the appropriations committee for annual allocations.

It’s one thing to ask inventors to take a leap of faith on the bold restructuring of our patent system. But now they are being asked to take another leap of faith that appropriators won’t fall back on their long history of poaching patent fee revenues for other uses.

Congress can do better and inventors deserve better. If this legislation passes the House, I am hopeful we will have an opportunity to fix these problems in negotiations with the Senate.

---

A TRIBUTE TO MIKE GARRISON

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 24, 2011*

Mr. LATHAM. Mr. Speaker, I rise to recognize Mike Garrison for his 35 years of service with the Lacona, Iowa Fire Department and subsequent retirement.

At a time when many small communities struggle to find the necessary volunteers, Mike has shown the leadership and commitment to