including raising public awareness about the importance of adult education, workforce skills, and family literacy;

(2) encourages people across the United States to support programs to assist those in need of adult education, workforce skills upgrading, and family literacy programs; and

(3) recognizes the importance of adult education, workforce skills, and family literacy programs, and calls upon public, private, and non-profit stakeholders to support increased access to adult education and family literacy programs to ensure a literate society.

AMENDMENTS SUBMITTED AND PROPOSED

SA 594. Mr. JOHNSON of Wisconsin (for himself and Mr. JOHANNES) submitted an amendment intended to be proposed by him to the bill H.R. 1249, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table.

SA 595. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 1249, supra; which was ordered to lie on the table.

SA 596. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 1249, supra; which was ordered to lie on the table.

SA 597. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 1249, supra; which was ordered to lie on the table.

SA 598. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 1249, supra; which was ordered to lie on the table.

SA 599. Mr. COBURN (for himself, Mr. DE MINT, Mrs. FEINSTEIN, Mrs. BOXER, Mr. UNALI of Colorado, Mr. ENZI, and Mr. BURR) submitted an amendment intended to be proposed by him to the bill H.R. 1249, supra; which was ordered to lie on the table.

SA 600. Mr. SESSIONS (for himself, Mr. MANCHIN, Mr. COBURN, and Mr. LEY) submitted an amendment intended to be proposed by him to the bill H.R. 1249, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 594. Mr. JOHNSON of Wisconsin (for himself and Mr. JOHANNES) submitted an amendment intended to be proposed by him to the bill H.R. 1249, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

SEC. 1. REGULATION MORATORIUM AND JOBS PRESERVATION ACT OF 2011.

(a) Short Title.—This section may be cited as the “Regulation Moratorium and Jobs Preservation Act of 2011.”

(b) Definitions.—In this section—

(1) the term “agency” has the meaning given under section 305(c)(1) of title 44, United States Code;

(2) the term “regulatory action” means any substantive action by an agency that promulgates or is expected to lead to the promulgation of a final regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemakings;

(3) the term “significant regulatory action” means any regulatory action that is likely to result in a rule or guidance that may—

(A) have an annual effect on the economy of $100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, small entities, or State, local, or tribal governments or communities;

(B) create an inconsistency or otherwise interfere with an action taken or planned by another agency;

(C) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(D) raise novel legal or policy issues; and

(4) the term “current” means the meaning given under section 601(6) of title 5, United States Code.

(c) Significant Regulatory Actions.—In general—

(1) IN GENERAL.—No significant regulatory action, until the Bureau of Labor Statistics average of monthly unemployment rates for any quarter beginning after the date of enactment of this Act is equal to or less than 7.7 percent.

(2) DETERMINATION.—The Secretary of Labor shall submit a report to the Director of the Office of Management and Budget whenever the Secretary determines that the Bureau of Labor Statistics average of monthly unemployment rates for any quarter beginning after the date of enactment of this Act is equal to or less than 7.7 percent.

(d) Waivers.—

(1) NATIONAL SECURITY OR NATIONAL EMERGENCY.—The President may, after the application of subsection (c) to any significant regulatory action, if the President—

(A) determines that the waiver is necessary on the basis of national security or a national emergency; and

(B) submits notification to Congress of such waiver and the reasons for such waiver.

(2) ADMINISTRATION.—

(A) SUBMISSION.—The President may submit a request to Congress for a waiver of the application of subsection (c) to any significant regulatory action.

(B) CONTENTS.—A submission under this paragraph shall include—

(i) an identification of the significant regulatory action;

(ii) the reasons which necessitate a waiver for such significant regulatory action.

(3) CONGRESSIONAL ACTION.—Congress shall give expedited consideration and take appropriate legislative action with respect to any waiver request submitted under this paragraph.

(e) Judicial Review.—

(1) DEFINITION.—In this subsection, the term “small business” means any business, including an unincorporated business or a sole proprietorship, employing not more than 500 employees or that has a net worth of less than $7,000,000 on the date a civil action arising under this section is filed.

(2) Review.—Any person that is adversely affected or aggrieved by any significant regulatory action in violation of this section is entitled to judicial review in accordance with section 704 of title 5, United States Code.

(3) Jurisdiction.—Each court having jurisdiction to review any significant regulatory action for compliance with any other provision of law shall have jurisdiction to review all claims under this section.

(4) Relief.—In granting any relief in any civil action under this subsection, the court shall order the agency to take corrective action consistent with this section and chapter 7 of title 5, United States Code, including remanding the significant regulatory action to the agency for promulgating the application or enforcement of that significant regulatory action, unless the court finds by a preponderance of the evidence that application or enforcement of that significant regulatory action, before the date of enactment of this Act, would cause an imminent and serious threat to the national security from persons or states engaged in hostile or military activities against the United States.

(5) Reasonable Attorney Fees for Small Businesses.—The court shall award reasonable attorney fees and other expenses to the prevailing party in any civil action under this subsection if the court finds that the position of the government was not substantially justified, or that there was an unnecessary delay in litigating that case.

SEC. 2. TRANSITIONAL PROGRAM FOR COVERED BUSINESS-METHOD PATENTS.

(a) References.—Except as otherwise provided, whenever this section is referred to in any other section, the reference shall be considered to refer to the section in title 35, United States Code, to which this section is referred.

(b) Transitional Program.—

(1) Establishment.—Not later than 1 year after the date of enactment of this Act, the Director shall issue regulations establishing and implementing a transitional post-grant review proceeding for review of the validity of covered business-method patents.

(2) Renton Review.—The transitional proceeding implemented pursuant to this subsection shall be regarded as, and shall employ the standards and procedures of, a post-grant review under chapter 32, subject to the following exceptions and qualifications:

(A) Section 321(c) and subsections (e)(2), (f), and (g) of section 322 shall not apply to a transitional proceeding.

(B) A person may not file a petition for a transitional proceeding with respect to a covered business-method patent that is the subject of an action instituted by the person or his real party in interest has been sued for infringement of the patent or has been charged with infringement under that patent.

(C) A petitioner in a transitional proceeding who challenges the validity of 1 or more claims in a covered business-method patent on a ground raised under section 102 or 103 as in effect on the date of enactment of this Act may support such ground only on the basis of—

(i) a prior art reference that is described in section 102(a) (as in effect on the date prior to the date of enactment of this Act) if the disclosure was made by another before the invention by the applicant for patent; or

(ii) a prior art reference that—

(I) discloses the invention more than 1 year prior to the date of the application for patent in the United States; and

(II) would be described by section 102(a) (as in effect on the date prior to the date of enactment of this Act) if the disclosure had been made by another before the invention by the applicant for patent.

(D) The petitioner in a transitional proceeding, or his real party in interest, may not assert either in a civil action arising in whole or in part under section 1338 of title 28, United States Code, or in a proceeding before the International Trade Commission that a claim in a patent is invalid on any ground during the period of 1 year after the date of enactment of this Act.
that the petitioner raised during a transitional proceeding that resulted in a final written decision.

(E) The Director may institute a transitional proceeding for a patent that is a covered business-method patent.

(2) EFFECTIVE DATE.—The regulations issued pursuant to paragraph (1) shall take effect on the date that is 1 year after the date of enactment of this Act and shall apply to all covered business-method patents issued before, on, or after such date of enactment, by regulations that shall not apply to a patent described in section 6(f)(2)(A) of this Act during the period that a petition for post-grant review of that patent would satisfy the requirements of section 32(c).

(3) SUNSET.—

(A) IN GENERAL.—This subsection, and the regulations issued pursuant to paragraph (1) shall, (i) on the first day of the fiscal year that begins after the date of the enactment of this Act, and (ii) on the first day of the fiscal year after the date of the enactment of this Act.

(b) FUND.—The term "Fund" means the public enterprise revolving fund established under subsection (a)(2) to be available, without fiscal year limitation, to cover—

(i) title 35, United States Code, and all expenses incurred pursuant to any obligation, representation, or other commitment of the Office.

(c) ANNUAL SPENDING PLAN.—

(1) SUMMARIZE.—In this section, the following definitions shall apply:

(i) title 35, United States Code; and

(ii) title 35, United States Code, including all administrative and operating expenses, determined in the discretion of the Under Secretary to be ordinary and reasonable, incurred by the Under Secretary and the Director for the continued operation of all services, programs, activities, and duties of the Office relating to patents and trademarks, trademarks, programs, activities, and duties are described under—

(iii) title 35, United States Code; and


(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the later of—

(A) October 1, 2011; or

(B) the first day of the fiscal year that begins after the date of the enactment of this Act.

(c) USPTO REVOLVING FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund to be known as the "United States Patent and Trademark Office Public Enterprise Fund". Any amounts in the Fund shall be available for use by the Director without fiscal year limitation.

(2) DERIVATION OF RESOURCES.—There shall be deposited into the Fund on or after the effective date of subsection (b)(1)—

(i) any fees collected under sections 41, 42 and title 35, United States Code, provided that notwithstanding any other provision of law, such fees are collected by, and payable to, the Director, the Director shall transfer such amounts to the Fund; however, that no funds collected pursuant to section 9(h) of this Act or section 1(a)(2) of Public Law 111-45 shall be deposited in the Fund; and


(3) EXPENSES.—Amounts deposited into the Fund under paragraph (2) shall be available, without fiscal year limitation, to cover—

(i) all expenses to the extent consistent with the limitation on the use of fees set forth in section 42(c) of title 35, United States Code, including all administrative and operating expenses, determined in the discretion of the Under Secretary to be ordinary and reasonable, incurred by the Under Secretary and the Director for the continued operation of all services, programs, activities, and duties of the Office relating to patents and trademarks, trademarks, programs, activities, and duties are described under—

(ii) title 35, United States Code; and


(4) ANNUAL REPORT.—Not later than 60 days after the end of each fiscal year, the Under Secretary and the Director shall submit a report to Congress which shall—

(i) summarize the operations of the Office for the preceding fiscal year, including financial details and staff levels broken down by each major activity of the Office;

(ii) detail the operating plan of the Office, including specific expense and staff needs for the upcoming fiscal year;

(iii) describe the long term modernization plans of the Office;

(iv) set forth details of any progress towards such modernization plans made in the previous fiscal year;

(v) include the results of the most recent audit carried out under subsection (f).

(g) ANNUAL SPENDING PLAN.—

(1) IN GENERAL.—Not later than 30 days after the beginning of each fiscal year, the Director shall notify the Committees on Appropriations of both Houses of Congress of the plan for the obligation or expenditure of the total amount of the funds for that fiscal year in accordance with section 605 of the
NOTICES OF HEARINGS

JOINT SELECT COMMITTEE ON DEFICIT REDUCTION

Mrs. MURRAY. Mr. President, I wish to announce that Joint Select Committee on Deficit Reduction will meet in open session on Thursday, September 8, 2011, at 10:30 a.m. in room 2123 of the Rayburn House Office Building, to consider proposed committee rules.

A resolution (S. Res. 219) was agreed to.

The preamble to the resolution was approved.

The resolution (S. Res. 219) was read and printed in the RECORD.

The assistant legislative clerk read from the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

A concurrent resolution (H. Con. Res. 74) providing for a joint session of Congress to receive a message from the President.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, there be no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 74) was agreed to.

The resolution (S. Res. 219) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

A resolution (S. Res. 219) designating September 13, 2011, as “National Celiac Disease Awareness Day.”

Whereas celiac disease affects approximately 1 in every 130 people in the United States, for a total of 3,000,000 people; whereas the majority of people with celiac disease have yet to be diagnosed; whereas celiac disease is a chronic inflammatory disorder that is classified as both an autoimmune condition and a genetic condition; whereas celiac disease causes damage to the lining of the small intestine, which results in malnutrition; whereas when a person with celiac disease consumes foods that contain certain protein fractions, that person suffers a cell-mediated immune response that damages the villi of the small intestine, interfering with the absorption of nutrients in food and the effectiveness of medications; whereas such problematic protein fractions are found in wheat, barley, rye, and oats, which are used to produce many foods, medications, and vitamins; whereas because celiac disease is a genetic disease, there is an increased incidence of celiac disease in families with a known history of celiac disease; whereas celiac disease is underdiagnosed because the symptoms can be attributed to