

the Defense Intelligence Digest, which is provided to our Committee each morning. The agency also produces longer reports on foreign military capabilities, strategic reviews, and other issues of interest to defense and other policymakers.

But producing finished intelligence analysis is only one of DIA's missions. Employing a diverse workforce of military and civilian intelligence professionals, DIA conducts all-source analysis, intelligence collection, and information technology infrastructure support worldwide.

DIA's responsibilities inside the Department of Defense and across the Intelligence Community have grown significantly over the years. The agency today is responsible for the Defense Attaché System, the Defense Counterintelligence and HUMINT Center, the National Defense Intelligence College, the National Media Exploitation Center, the National Center for Credibility Assessment and four specialized centers: the Underground Facility Analysis Center, the National Center for Medical Intelligence, the Joint Intelligence Task Force-Combating Terrorism and the Missile and Space Intelligence Center.

DIA also oversees intelligence analysis throughout the Department of Defense, including analytic work performed at the Army National Ground Intelligence Center, the Office of Naval Intelligence, the Air Force National Air and the Space Intelligence Center, the Marine Corps Intelligence Activity, and ten U.S. combatant command intelligence operations centers.

Over the last 50 years, the intelligence collected and analyzed by the men and women of DIA has informed the Nation's civilian and military leaders during crises and conflicts—from the Cold War to the current struggle against international terrorism. DIA has played a vital role in collecting, analyzing, and producing intelligence required to defend the Nation while also supporting U.S. military operations worldwide.

During the past 5 decades, DIA has transformed in response to evolving national security threats. From the Cuban Missile Crisis and the Vietnam conflict, to the first Gulf War, DIA's efforts have focused on understanding and, if necessary, defeating state-sponsored militaries while also providing strategic warning and preventing strategic surprise.

Since the 9/11 terrorist attacks in New York and Washington almost ten years ago, DIA has responded to the asymmetric threat posed by transnational terrorist groups such as al-Qaeda by pushing more analytic and collection capabilities forward in direct support of our military forces in Iraq, Afghanistan, and elsewhere. Today the agency is more forward deployed with soldiers on the battlefield than at any time in its history.

As Chairman of the Senate Select Committee on Intelligence, I receive

frequent briefings from DIA personnel. Their depth of knowledge and expertise on foreign military intentions and capabilities has been impressive.

I've met twice within the past few weeks with the current DIA Director, Lieutenant General Ronald Burgess. He, like his predecessors, presents the facts like he sees them and manages to serve the Intelligence Community and the Department of Defense with skill and integrity.

I am keenly aware of the many sacrifices our intelligence professionals make to help defend our Nation and I am pleased that this resolution pays tribute to the DIA workforce and the DIA employees who have given their lives, or have been wounded or injured, in the line of service.

Because of the nature of intelligence and the need for secrecy, we in Congress often are understandably reluctant to draw unnecessary attention to our intelligence services and the vital and sometimes dangerous work they do to protect our Nation. However, at this important 50th anniversary, it is appropriate to reflect on DIA's history of important contributions while also honoring its professionals, past and present.

I ask my colleagues to join me in congratulating the men and women of DIA as they celebrate their legacy and forge their future.

Mr. CHAMBLISS. Mr. President, I rise today to talk about the Defense Intelligence Agency and a resolution that Chairman FEINSTEIN and I have introduced in honor of DIA's 50th Anniversary. The Defense Intelligence Agency is an integral part of the Department of Defense, our combatant commands, and the intelligence community. I want to congratulate the Agency and its employees on the approaching 50th Anniversary.

The Defense Intelligence Agency was established in 1961 under Secretary of Defense, Robert McNamara following a national debate on defense reorganization after World War II. McNamara, acting on recommendations of a Joint Study Group appointed by President Eisenhower, created the DIA to consolidate and integrate military intelligence efforts. DIA began operations on October 1, 1961 with only a handful of employees in borrowed office space in the Pentagon.

Shortly after its inception, DIA was thrust into the Cold War where DIA's analysts played a key role in the discovery of ballistic missiles in Cuba. However, the fledgling agency faced several early hurdles in the 60's including the Vietnam War and the Soviet Union's invasion of Czechoslovakia. In the 70's and 80's, DIA focused much of its attention on providing intelligence on the Soviet Union, but was finally coming of age as it was assigned support responsibilities to our combatant commanders under the Goldwater-Nichols Defense Reorganization Act. The 90's brought Operation DESERT STORM and bolstered DIA's mission as

a Combat Support Agency with U.S. and United Nations forces in places such as Somalia, Rwanda, former Yugoslavia, and Kosovo.

The emergence of radical Islamic movements such as al-Qaida and the terrorist attacks of September 11th have ushered in a new era of integration and cooperation in military intelligence. The intelligence community has faced significant challenges and reorganization in recent years, but DIA has stepped up to meet these challenges head-on.

DIA has worked diligently to deter, detect, and prevent acts of terror by providing intelligence to U.S. and coalition forces in support of the Global War on Terror, Operation Enduring Freedom in Afghanistan, and Operation Iraqi Freedom.

Today, DIA has over 16,000 employees worldwide and has become an integral part of the Department of Defense and the intelligence community. I want to thank them for their service to our country and all that they do for our warfighters, planners, and policymakers. I am sure that all of my colleagues will join me in congratulating them on their upcoming 50th Anniversary.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 118. Mr. BENNET (for himself, Mr. BROWN of Massachusetts, Mr. RISCH, Mr. COONS, Mr. BINGAMAN, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table.

SA 119. Mr. BENNET (for himself and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 23, supra; which was ordered to lie on the table.

SA 120. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 23, supra; which was ordered to lie on the table.

SA 121. Mr. LEAHY (for himself, Mr. GRASSLEY, Mr. KYL, and Mr. WHITEHOUSE) proposed an amendment to the bill S. 23, supra.

SA 122. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 23, supra; which was ordered to lie on the table.

SA 123. Mr. KIRK (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 23, supra.

SA 124. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 23, supra.

SA 125. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 23, supra; which was ordered to lie on the table.

SA 126. Ms. STABENOW (for herself and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill S. 23, supra; which was ordered to lie on the table.

SA 127. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 23, supra; which was ordered to lie on the table.

SA 128. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 23, supra; which was ordered to lie on the table.

SA 129. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 23, supra; which was ordered to lie on the table.

SA 130. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 23, supra; which was ordered to lie on the table.

SA 131. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 23, supra; which was ordered to lie on the table.

SA 132. Mr. CARDIN (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 23, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 118.** Mr. BENNET (for himself, Mr. BROWN of Massachusetts, Mr. RISCH, Mr. COONS, Mr. BINGAMAN, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

On page 32, line 12, strike “DAMAGES” and insert “DEFENSES; EVIDENTIARY REQUIREMENTS”.

On page 32, strike line 13 and all that follows through page 35, line 2.

On page 37, line 1, strike “(b)” and insert “(a)”.

On page 37, line 20, strike “(c)” and insert “(b)”.

On page 38, line 3, strike “(d)” and insert “(c)”.

On page 38, line 13, strike “(e)” and insert “(d)”.

On page 77, strike line 23 and all that follows through page 78, line 6.

On page 78, line 7, strike “(b)” and insert “(a)”.

On page 78, line 20, strike “(c)” and insert “(b)”.

**SA 119.** Mr. BENNET (for himself and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

On page 104, between lines 22 and 23, insert the following:

#### SEC. 18. TELEVISION ACCESS.

(a) **SHORT TITLE.**—This section may be cited as the “Four Corners Television Access Act of 2011”.

(b) **SATELLITE CARRIAGE OF CERTAIN TELEVISION BROADCAST SIGNALS.**—Section 122(a)(4)(C) of title 17, United States Code, is amended—

(1) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(2) by striking “In the case of that State” and inserting the following:

“(i) In the case of that State”; and  
 (3) by inserting before clause (ii) (as so redesignated by paragraph (2)) the following:

“(i) In the case of that State in which are located 2 counties that—

“(I) are located in the 44th largest designated market area for the year 2008 according to Nielsen Media Research; and

“(II) had a combined total of 27,540 television households, according to the *Nielsen DMA Market Atlas* by Nielsen Media Research for 2008,

the statutory license provided under this paragraph shall apply to secondary trans-

missions by a satellite carrier to subscribers in any such county of the primary transmissions of any network station located in that State, if the satellite carrier was making such secondary transmissions to any subscribers in that county on January 1, 2008.”.

(c) **CABLE CARRIAGE OF CERTAIN TELEVISION BROADCAST SIGNAL.**—Section 341 of Communications Act of 1934 (47 U.S.C. 341) is amended by adding at the end the following:

“(c) **RULE OF CONSTRUCTION.**—

“(1) **SIGNIFICANTLY VIEWED.**—Each television broadcast station broadcasting in the designated market area of a State capital is deemed significantly viewed in a covered county within the meaning of section 76.54 of title 47, Code of Federal Regulations, for purposes of the carriage and retransmission of the signals of such broadcast station by a cable system, translator, or other multi-channel video programming distributor.

“(2) **RETRANSMISSION PERMITTED.**—Notwithstanding the provisions of section 325(b), a cable system, translator, or other multi-channel video programming distributor may retransmit the signal of any television broadcast station described in paragraph (1) within a covered county.

“(3) **DEFINITION OF COVERED COUNTY.**—For purposes of this subsection, a county is a covered county if—

“(A) it is 1 of 2 counties located in the 44th largest designated market area for the year 2008 according to Nielsen Media Research; and

“(B) it had a combined total of 27,540 television households, according to the *Nielsen DMA Market Atlas* by Nielsen Media Research for 2008.”.

On page 104, line 23, strike “SEC. 18.” and insert “SEC. 19.”.

**SA 120.** Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

On page 104, between lines 22 and 23, insert the following:

#### SEC. 18. PATENT OMBUDSMAN PROGRAM FOR SMALL BUSINESS CONCERNS.

There is established in the United States Patent and Trademark Office a Patent Ombudsman Program. The duties of the Program’s staff shall include providing support and services relating to patent filings to small business concerns.

**SA 121.** Mr. LEAHY (for himself, Mr. GRASSLEY, Mr. KYL, and Mr. WHITEHOUSE) proposed an amendment to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; as follows:

On page 1, strike line 5, and insert the following: “‘America Invents Act’”.

On page 9, line 8, strike “1 year” and insert “18 months”.

On page 32, strike line 12 and all that follows through page 35, line 2, and insert the following:

#### SEC. 4. VIRTUAL MARKING AND ADVICE OF COUNSEL.

On page 37, line 1, strike “(b)” and insert “(a)”.

On page 37, line 20, strike “(c)” and insert “(b)”.

On page 38, line 3, strike “(d)” and insert “(c)”.

On page 38, line 13, strike “(e)” and insert “(d)”.

On page 57, strike lines 17 through 23, and insert the following:

“(b) **PRELIMINARY INJUNCTIONS.**—If a civil action alleging infringement of a patent is

filed within 3 months of the grant of the patent, the court may not stay its consideration of the patent owner’s motion for a preliminary injunction against infringement of the patent on the basis that a petition for post-grant review has been filed or that such a proceeding has been instituted.”.

On page 59, strike lines 13 through 19.

On page 59, line 20, strike “(g)” and insert “(f)”.

On page 65, line 21, strike “18 months” and insert “1 year”.

On page 66, line 3, strike “18 months” and insert “1 year”.

On page 66, lines 4 and 5, strike “and shall apply only to patents issued on or after that date.” and insert “and, except as provided in section 18 and in paragraph (3), shall apply only to patents that are described in section 2(o)(1).”.

On page 66, line 8, after the period insert the following: “During the 4 year period following the effective date of subsections (a) and (d), the Director may, in his discretion, continue to apply the provisions of chapter 31 of title 35, United States Code, as amended by paragraph (3), as if subsection (a) had not been enacted to such proceedings instituted under section 314 (as amended by subsection (a)) or under section 324 as are instituted only on the basis of prior art consisting of patents and printed publications.”.

On page 69, line 2, strike “18 months” and insert “1 year”.

On page 69, line 14, strike “18 months” and insert “1 year”.

On page 74, line 22, strike “18 months” and insert “1 year”.

On page 75, line 16, strike “18 months” and insert “1 year”.

On page 75, line 22, strike “18 months” and insert “1 year”.

On page 76, line 5, strike “18 months” and insert “1 year”.

On page 77, strike line 23 and all that follows through page 78, line 6.

On page 78, line 7, strike “(b)” and insert “(a)”.

On page 78, line 20, strike “(c)” and insert “(b)”.

On page 79, strike lines 1 through 17, and insert the following:

(1) **IN GENERAL.**—The Director shall have authority to set or adjust by rule any fee established, authorized, or charged under title 35, United States Code, and the Trademark Act of 1946 (15 U.S.C. 1051 et seq.), notwithstanding the fee amounts established, authorized, or charged thereunder, for all services performed by or materials furnished by, the Office, provided that patent and trademark fee amounts are in the aggregate set to recover the estimated cost to the Office for processing, activities, services, and materials relating to patents and trademarks, respectively, including proportionate shares of the administrative costs of the Office.

On page 79, lines 19–21, strike “filing, processing, issuing, and maintaining patent applications and patents” and insert: “filing, searching, examining, issuing, appealing, and maintaining patent applications and patents”.

On page 86, between lines 8 and 9, insert the following:

(i) **REDUCTION IN FEES FOR SMALL ENTITY PATENTS.**—The Director shall reduce fees for providing prioritized examination of utility and plant patent applications by 50 percent for small entities that qualify for reduced fees under section 41(h)(1) of title 35, United States Code, so long as the fees of the prioritized examination program are set to recover the estimated cost of the program.

On page 86, line 9, strike “(i)” and insert “(j)”.

On page 91, between lines 14 and 15, insert the following: