

Peoria County Public Defender's Office. He also served an assistant attorney general for the State of Illinois. He was appointed by Governor Jim Edgar to serve as a commissioner of the Court of Claims in Illinois. The American Bar Association Standing Committee on the Federal Judiciary rated Judge Shadid as "Qualified" by a substantial majority, while a minority rated him "Well Qualified."

Also nominated to a judicial emergency vacancy for the Central District of Illinois is Judge Sue E. Myerscough. Judge Myerscough received her B.A. with honors, from Southern Illinois University, and her J.D. from Southern Illinois School of Law. Upon graduation from law school, she served as a law clerk to the Honorable Harold A. Baker of the U.S. District Court for the Central District of Illinois.

Judge Myerscough was in private practice for approximately 6 years before being elected as an associate circuit court judge for the Seventh Judicial Circuit of Illinois. Judge Myerscough later became a circuit judge for the Seventh Circuit. In 1998 she was elected as an appellate court justice of the Illinois Appellate Court, Fourth District. The American Bar Association Standing Committee on the Federal Judiciary unanimously rated Judge Myerscough as "Qualified."

I congratulate these three nominees and wish them well in their public service as a U.S. district judge.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. I ask unanimous consent to speak as in morning business.

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

Ms. KLOBUCHAR. Mr. President, I first wanted to alert Senators that we will most likely be voting somewhere around 5:30. We are still working on an agreement about yielding back time, but I thought people would like to know that.

The other thing I wish to note is to first urge my colleagues to confirm the judges before us tonight, and then I wish also to briefly say a few words about the third vote we are going to be taking in this sequence.

AMERICA INVENTS ACT

In a few moments the Senate will take another important step toward passing the America Invents Act. This bipartisan bill will go a long way in ensuring our country remains the world leader in entrepreneurship, research, and development and, of course, innovation.

Over the course of last week, every Senator had an opportunity to come to the floor and weigh in on this bill with amendments. We made a lot of progress, and as a result I am pleased to say we have a bill that is even better than the one we started with, a truly bipartisan product which will bring our patent system into the 21st century. If passed, this legislation will make the

first comprehensive set of reforms to our Nation's patent process in almost 60 years. Sixty years.

A lot has changed since then. The America Invents Act will create a legal framework that reflects current technology and a climate in which innovation can flourish. In doing so, it will unleash the power of our Nation's single most precious resource, the ingenuity of our people. I point out that it will do it without adding a penny to our deficit.

An improved patent process will spark the kind of job creation and business growth our economy needs right now. I know you know that in Delaware—and we certainly know it in Minnesota. Those are not Democratic priorities—the priorities of competitiveness and innovation—and they are not Republican priorities, they are American priorities.

I urge all Senators to support the motion so we can move forward with this important legislation. I thank Senator GRASSLEY for all his work on this bill and Senator LEAHY as well, and all the rest of the Judiciary Committee.

I yield the floor, and we will soon have an update on whether we can yield back the time to start the votes at 5:30.

Mr. GRASSLEY. Mr. President, we are prepared to yield back the balance of time on this side.

Ms. KLOBUCHAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Ms. KLOBUCHAR. I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. KLOBUCHAR. I ask unanimous consent that all remaining time on both sides be yielded back.

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

NOMINATION OF SUE E. MYERSCOUGH

Under the previous order, the nomination of Sue E. Myerscough, of Illinois, to be United States District Judge for the Central District of Illinois is confirmed.

VOTE ON NOMINATION OF JAMES E. SHADID

Ms. KLOBUCHAR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of James E. Shadid, of Illinois, to be United States District Judge for the Central District of Illinois?

The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from North Caro-

lina (Mrs. HAGAN), the Senator from Vermont (Mr. LEAHY), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH), the Senator from South Carolina (Mr. DEMINT), the Senator from Nevada (Mr. ENSIGN), the Senator from North Dakota (Mr. HOEVEN), the Senator from Georgia (Mr. ISAKSON), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Kentucky (Mr. PAUL).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 32 Exe.]

YEAS—89

| | | |
|------------|--------------|-------------|
| Akaka | Feinstein | Moran |
| Alexander | Franken | Murray |
| Ayotte | Gillibrand | Nelson (NE) |
| Barrasso | Graham | Nelson (FL) |
| Baucus | Grassley | Portman |
| Begich | Harkin | Pryor |
| Bennet | Hutchison | Reed |
| Bingaman | Inhofe | Reid |
| Blumenthal | Inouye | Risch |
| Blunt | Johanns | Roberts |
| Boozman | Johnson (SD) | Rockefeller |
| Boxer | Johnson (WI) | Rubio |
| Brown (MA) | Kerry | Schumer |
| Brown (OH) | Kirk | Sessions |
| Burr | Klobuchar | Shaheen |
| Cantwell | Kohl | Shelby |
| Cardin | Kyl | Snowe |
| Carper | Landrieu | Stabenow |
| Casey | Lautenberg | Tester |
| Chambliss | Lee | Thune |
| Coats | Levin | Toomey |
| Coburn | Lieberman | Udall (CO) |
| Cochran | Lugar | Udall (NM) |
| Collins | Manchin | Vitter |
| Coons | McCain | Warner |
| Corker | McCaskill | Webb |
| Cornyn | McConnell | Whitehouse |
| Crapo | Menendez | Wicker |
| Durbin | Merkley | Wyden |
| Enzi | Mikulski | |

NOT VOTING—11

| | | |
|--------|---------|-----------|
| Conrad | Hatch | Murkowski |
| DeMint | Hoeven | Paul |
| Ensign | Isakson | Sanders |
| Hagan | Leahy | |

The nomination was confirmed.

VOTE ON NOMINATION OF ANTHONY J.

BATTAGLIA

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Anthony J. Battaglia, of California, to be United States District Judge for the Southern District of California?

The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the next two votes be 10-minute votes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from North Carolina (Mrs. HAGAN), the Senator from Vermont (Mr. LEAHY), the Senator from Vermont (Mr. SANDERS), and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nevada (Mr. ENSIGN), the Senator from Utah (Mr. HATCH), the Senator from North Dakota (Mr. HOEVEN), the Senator from Georgia (Mr. ISAKSON), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Kentucky (Mr. PAUL).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "yea."

The PRESIDING OFFICER (Mr. MANCHIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 33 Exe.]

YEAS—89

| | | |
|------------|--------------|-------------|
| Akaka | Enzi | Mikulski |
| Alexander | Feinstein | Moran |
| Ayotte | Franken | Murray |
| Barrasso | Gillibrand | Nelson (NE) |
| Baucus | Graham | Nelson (FL) |
| Begich | Grassley | Portman |
| Bennet | Harkin | Pryor |
| Bingaman | Hutchison | Reed |
| Blumenthal | Inhofe | Reid |
| Blunt | Inouye | Risch |
| Boozman | Johanns | Roberts |
| Boxer | Johnson (SD) | Rockefeller |
| Brown (MA) | Johnson (WI) | Rubio |
| Brown (OH) | Kerry | Schumer |
| Burr | Kirk | Sessions |
| Cantwell | Klobuchar | Shaheen |
| Cardin | Kohl | Shelby |
| Carper | Kyl | Snowe |
| Casey | Landrieu | Stabenow |
| Chambliss | Lautenberg | Tester |
| Coats | Lee | Thune |
| Coburn | Levin | Toomey |
| Cochran | Lieberman | Udall (CO) |
| Collins | Lugar | Udall (NM) |
| Coons | Manchin | Vitter |
| Corker | McCain | Warner |
| Cornyn | McCaskill | Whitehouse |
| Crapo | McConnell | Wicker |
| DeMint | Menendez | Wyden |
| Durbin | Merkley | |

NOT VOTING—11

| | | |
|--------|-----------|---------|
| Conrad | Hoeven | Paul |
| Ensign | Isakson | Sanders |
| Hagan | Leahy | Webb |
| Hatch | Murkowski | |

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made en bloc and laid upon the table en bloc.

Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

PATENT REFORM ACT OF 2011— Resumed

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the

Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 23, the America Invents Act.

Harry Reid, Patrick J. Leahy, Debbie Stabenow, John F. Kerry, Jeanne Shaheen, Christopher A. Coons, Tom Harkin, Mark Begich, Jeff Bingaman, Al Franken, Kay R. Hagan, Michael F. Bennet, Richard Blumenthal, Sheldon Whitehouse, Amy Klobuchar, Bill Nelson, Benjamin L. Cardin, Richard J. Durbin.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. LEAHY. Mr. President, today the Senate will take another step toward completing action on the America Invents Act. This is commonsense legislation that will make the first comprehensive reforms to our Nation's patent system in nearly 60 years. The debate on this bill since its introduction 6 years ago has been long, and the compromises have been many. I am confident that the bill before us today makes the needed changes to bring the U.S. Patent and Trademark Office into the 21st century.

The America Invents Act is bipartisan legislation that has resulted from deliberation in both the Senate and House. It has been the topic of more than a dozen hearings and committee meetings in the Senate, and countless hours of meetings and negotiations. I had hoped to complete action on this legislation last week. The additional time has allowed every Senator the opportunity to come to the floor and speak about the important matters encompassed by this bill. We have debated and adopted relevant amendments and debated and rejected other amendments, including some that were not even relevant to this legislation. This is a bill that does not spend a dollar of taxpayer money and does not add to the deficit. It will directly result in millions of dollars being saved, and indirectly in helping unleash American innovation to create jobs and help bolster our economy.

Now is the time to act. Now is the time to vote. Now is the time to move forward with this job-creating bill that will help boost our economy and restore America's competitive edge in the global marketplace.

Modernizing our patent system through the America Invents Act will make America more competitive. It protects innovators and inventors large and small, from the small independent inventor in Middlesex, VT, to cutting-edge manufacturers and innovators in Ohio and California. It will give the Patent and Trademark Office the tools it needs to process and award the patent for what may be the next life-saving device or life-changing invention. And the America Invents Act will do

all of this without spending a dollar of taxpayer money. This is a jobs bill that doesn't add a cent to the deficit. Supporters of this legislation come from both sides of the aisle, from every corner of the country, and from every component of the patent community.

This country's first patent was issued to a Vermonter. Thomas Jefferson, the Secretary of State, examined the application, and President George Washington signed it. A lot has changed in the more than 220 years since that first patent was issued. We cannot remain complacent and expect to remain at the forefront of innovation. Enacting the America Invents Act is one way in which we can come together and show the American people that we in Washington are working together with the future of our country in mind.

I commend Austan Goolsbee, the chair of the President's Council of Economic Advisers, for his white board presentation today on the importance of patent reform to help America win the global competition and create jobs. The creation of more than 220,000 jobs in the private sector last month, the creation of 1.5 million jobs over the last 12 months, and the unemployment rate finally being reduced to 8.9 percent are all signs that the efforts we have made over the last 2 years to stave off the worst recession since the Great Depression are paying off and the economic recovery is taking hold. The almost full percent point drop in the unemployment rate over the last three months is the largest decline in unemployment since 1983. Despite interruptions of economic activity in many parts of the country caused by winter weather over the last months and days, despite the extraordinary rise in oil prices, the Dow Jones industrial average has climbed back to over 12,000 from a low point of 6,500. Passage of the America Invents Act should help bolster our economic recovery and keep us on the right path toward business development and job creation.

I urge all Senators to support the cloture motion on the America Invents Act. The Nation's economy, American inventors and innovators, our competitive edge in the global marketplace all will be helped when we pass this important bill.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 23, the Patent Reform Act of 2011, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from Vermont (Mr. LEAHY), the Senator from Vermont (Mr. SANDERS), and the Senator from Virginia (Mr. WEBB) are necessarily absent.