

supportive of the bipartisan negotiations that are taking place for a longer term comprehensive deficit reduction plan and I would like us to move forward with the more difficult task of addressing our long-term fiscal challenges.

#### AMERICA INVENTS ACT

Mrs. MCCASKILL. I would like to discuss my amendment, No. 139, to S. 23, the America Invents Act, on pending claims in false marking cases. I want to raise the issue so we can consider it in the future as this legislation progresses.

The Patent Act provides a cause of action against those who “falsely claim that their products are patented. A successful false-marking claimant must prove two elements: first, that an unpatented article has been marked as patented; and second that the marking was done with intent to deceive the public. These actions can hurt small businesses, start-ups and inventors who will be deterred from competing with such products.

The underlying bill alters the false marking provision by stipulating that the statute may only be privately enforced by a person who has suffered a competitive injury. In addition, damages would be limited to those that are adequate to compensate for the injury.

However, the legislation would also apply the newer rules to pending claims. These include claims that are now in the court system and under negotiation. By changing the rules in pending claims, the legislation allows potential wrongdoers to use the new law to protect themselves from past conduct.

This sets a bad precedent for our legal system and could absolve potential wrongdoers. My amendment would simply require that the changes to false marking provisions to apply only to prospective cases going forward. Small businesses and inventors that have expended considerable resources to protect themselves should not be penalized by a provision that retroactively eliminates pending claims.

My amendment is not an attempt to gut or strike the false markings provision. It is simply a modification to address the concerns of current litigants, consumers and small businesses. I urge my colleagues to strongly consider this issue going forward.

#### EYE DONOR MONTH

Mr. BROWN of Ohio. Mr. President, March is National Eye Donor Month—a month—to honor those who have restored sight to blind or vision-impaired Americans across the country.

For the last 28 years, since National Eye Donor Month was first established in 1983, the eye donor community has raised public awareness about the need for eye donation.

Every March for each of the past 28 years, our Nation has honored dedi-

cated individuals who work tirelessly at hospitals, medical centers, doctors' offices, and eye banks across the country to educate the public on the need for cornea donations and work with the transplant teams.

We continue to give thanks to eye donors—and their families—who offered one last remarkable gift because they had the foresight to become organ donors.

Eye donation provides a precious second chance at clear vision for those with ocular diseases. Approximately 11.4 million Americans experience severe visual problems that are not correctable by glasses. A parent or grandparent cannot see their children or grandchildren play a little league game or walk across the stage at graduation. And many children experience momentous life events—and everyday happenings—without the eyesight that many of us take for granted.

Thankfully and miraculously, through eye donation and corneal transplants, vision that has been lost to disease or injury or infection can be restored. Since 1961, more than 700,000 corneal transplants have been performed to restore sight to children as young as 1 day old and adults as old as 103. And corneal transplants are highly successful; 90 percent of all corneal transplant operations effectively restore sight to the patient. Each year, eye banks across the country provide 52,000 corneal grafts for transplantation.

Ohio's Central Ohio Lions Eye Bank, COLEB, in Columbus performed corneal transplants for 340 patients in 2010. COLEB gave these 340 patients an opportunity to regain their sight and, with that, the ability to see their loved ones again—or for the first time. In southern Ohio, the Cincinnati Eye Bank for Sight Restoration, Inc., partnered with physicians at the University of Cincinnati to establish programs for public and professional education as well as conduct ocular medical research. The Cincinnati Eye Bank is able to serve 30 hospitals in southwestern Ohio, northern Kentucky, and eastern Indiana. In northern Ohio, the Cleveland Eye Bank, which serves nearly 5 million people and more than 60 hospitals in northern Ohio, created the Lasting Legacy program to honor the families of eye donors by publicly recognizing the donors' amazing gift of sight.

Simply put, corneal transplants—made possible through eye donors—change people's lives.

But more must be done. Some 1,600 Ohioans each year could have their sight restored through corneal transplants but are unable to because there are not enough organ donors.

I encourage all Americans to consider becoming eye donors. Even those without 20/20 vision or who have cataracts can donate. In Ohio, you can become an eye organ donor when you renew your driver's license. It is that easy.

I also urge my colleagues to work with local eye banks and the Eye Bank Association of America to promote the precious gift of eye donation. While 700,000 people have had their sight restored since 1961, tens of thousands more are waiting.

During this year's Eye Donor Month, I thank all those who continue to promote and advocate for eye donation and the gift of sight it gives.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO JD WAGGONER

• Mr. ROCKEFELLER. Mr. President, today I pay tribute to a dedicated professional who has worked at the West Virginia Library Commission for 40 years, including 9 years as its executive director, Mr. JD Waggoner.

JD Waggoner is a true leader and effective advocate for libraries. I have been extraordinarily proud to work closely with him over many years, and I understand and appreciate the special role that libraries play in communities across our State. In addition to his leadership at the commission, JD also has been a volunteer fireman which is another sign of his community service.

Thanks to the leadership of JD and others, our libraries are connected to the Internet and provide quality services to West Virginians. We worked together on the program I helped to create in the 1996 Telecommunications Act known as the E-Rate. This discount program provides \$2.25 billion in discounts for telecommunications, Internet access and internal connections to libraries and schools nationwide. In West Virginia, it provides over \$10 million each year to libraries and schools. JD Waggoner and his team have done an amazing job in managing this program and helping the smaller, rural libraries deal with the paperwork and challenges. Thanks to this access, our libraries now provide access to thousands of current publications for patrons to enjoy and learn.

The Library Commission also has a special initiative known as Learning Express. This program provides access to practice tests on a wide range of programs from the GED, ACT and SAT, and other professional licenses. This means that individuals can visit their libraries and, for free, take practice online exams to prepare for the real tests rather than pay expensive fees. This is a truly wonderful opportunity to help West Virginians advance their education. The director and the Library Commission are the support network for our libraries and the services range from Internet access to story hours and literacy efforts to hosting community groups and special events include movies or presentations. Libraries are hubs of activity and recent studies indicate people looking for work are more comfortable looking for work online at the library rather than an employment office.

Our West Virginia libraries are true treasures because of the dedication and leadership of JD Waggoner, his team and local librarians across our states. While JD Waggoner will be deeply missed, he most certainly deserves that chance to relax and enjoy his retirement. I wish him the very best and wanted to share his history with my Senate colleagues.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United State were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 10:04 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that pursuant to 15 U.S.C. 1024(a), and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the Joint Economic Committee: Mr. HINCHEY of New York, Mrs. MALONEY of New York, Ms. LORETTA SANCHEZ of California, and Mr. CUMMINGS of Maryland.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-856. A communication from the Attorney-Advisor, Office of the Secretary, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Procedures Relating to Awards Under the Equal Access to Justice Act" (RIN0503-AA42) received in the Office of the President of the Senate on March 9, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-857. A communication from the Assistant Secretary of Defense (Homeland Defense and Americas' Security Affairs), transmitting, pursuant to law, a report relative to the Mitigation of Power Outage Risks for Department of Defense Facilities and Activities; to the Committee on Armed Services.

EC-858. A communication from the Executive Director and Designated Federal Officer of the Military Leadership Diversity Commission, transmitting, pursuant to law, a report entitled "From Representation to Inclusion: Diversity Leadership for the 21st Century Military" and the accompanying executive summary; to the Committee on Armed Services.

EC-859. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security,

transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(Docket No. FEMA-2011-0002)) received in the Office of the President of the Senate on March 9, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-860. A communication from the Deputy to the Chairman, Legal Office, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Assessments, Large Bank Pricing" (RIN3064-AD66) received in the Office of the President of the Senate on March 9, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-861. A communication from the Legal Information Assistant, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Standards Governing the Release of a Suspicious Activity Report" (RIN1550-AC28) received in the Office of the President of the Senate on March 9, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-862. A communication from the Legal Information Assistant, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Confidentiality of Suspicious Activity Reports" (RIN1550-AC26) received in the Office of the President of the Senate on March 9, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-863. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Implementation of the National Correct Coding Initiative in the Medicaid Program"; to the Committee on Finance.

EC-864. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are controlled under Category I of the United States Munitions List sold commercially under contract in the amount of \$1,000,000 or more; to the Committee on Foreign Relations.

EC-865. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, to include technical data, and defense services for the support of an Airborne Intelligence and Surveillance System (AISS) for the Finland Ministry of Defense (MOD) in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-866. A communication from the Director, Office of SAFETY Act Implementation, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulations Implementing the Support Anti-terrorism by Fostering the Effective Technologies Act of 2002 (the SAFETY Act)" (RIN1601-AA15) received in the Office of the President of the Senate on March 9, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-867. A communication from the Acting Protected Critical Infrastructure Information (PCII) Program Manager, National Protection and Programs Directorate, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Procedures for Handling Critical Infrastructure Information" (RIN1601-AA14) received in the Office of the President of the Senate on March 9, 2011; to the Committee on Homeland Security and Governmental Affairs.

#### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Jimmie V. Reyna, of Maryland, to be United States Circuit Judge for the Federal Circuit.

Caitlin Joan Halligan, of New York, to be United States Circuit Judge for the District of Columbia Circuit.

Arenda L. Wright Allen, of Virginia, to be United States District Judge for the Eastern District of Virginia.

Vincent L. Briccetti, of New York, to be United States District Judge for the Southern District of New York.

John A. Kronstadt, of California, to be United States District Judge for the Central District of California.

Michael Francis Urbanski, of Virginia, to be United States District Judge for the Western District of Virginia.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CARDIN:

S. 538. A bill to amend the Neotropical Migratory Bird Conservation Act to reauthorize the Act; to the Committee on Environment and Public Works.

By Mr. WHITEHOUSE:

S. 539. A bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. DURBIN, Mr. MERKLEY, Mr. SANDERS, Mr. WYDEN, Mr. MENENDEZ, Mr. AKAKA, Mrs. GILLIBRAND, and Mrs. MURRAY):

S. 540. A bill to prevent harassment at institutions of higher education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BENNET (for himself, Mr. ALEXANDER, Mr. FRANKEN, and Mr. BURR):

S. 541. A bill to amend the Elementary and Secondary Education Act of 1965 to allow State educational agencies, local educational agencies, and schools to increase implementation of schoolwide positive behavioral interventions and supports and early intervening services in order to improve student academic achievement, reduce disciplinary problems in schools, and to improve coordination with similar activities and services provided under the Individuals with Disabilities Education Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BEGICH:

S. 542. A bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents; to the Committee on Armed Services.

By Mr. WYDEN (for himself, Ms. SNOWE, Mrs. GILLIBRAND, Mr.