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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:

(b) NO PROVISION OF FACILITIES AUTHORIZED.—The repeal made by the amendment in subsection (a)(1) shall not be construed to authorize the provision of any court facilities or administrative support services outside of the District of Columbia.

On page 91, line 15, strike “(b)” and insert “(c)”.

On page 91, line 23, strike “under either subsection” and all that follows through “shall certify” on page 92, line 2.

On page 92, line 7, before the semicolon insert the following: “, not including applications filed in another country, provisional applications under section 111(b), or international applications filed under the treaty defined in section 351(a) for which the basic national fee under section 41(a) was not paid”.

On page 92, between lines 7 and 8, insert the following:

“(3) did not in the prior calendar year have a gross income, as defined in section 61(a) of the Internal Revenue Code (26 U.S.C. 61(a)), exceeding 3 times the most recently reported median household income, as reported by the Bureau of Census; and”.

On page 92, strike lines 8 through 25.

On page 93, line 1, strike “(3) has not assigned, granted, conveyed, or is” and insert “(4) has not assigned, granted, conveyed, and is not”.

On page 93, lines 4 and 5, strike “has 5 or fewer employees and that such entity has” and insert “had”.

On page 93, line 7, strike “that does” and all that follows through line 11, and insert the following: “exceeding 3 times the most recently reported median household income, as reported by the Bureau of the Census, in the calendar year preceding the calendar year in which the fee is being paid, other than an entity of higher education where the applicant is not an employee, a relative of an employee, or have any affiliation with the entity of higher education.”.

On page 93, strike lines 12 through 17, and insert the following:

“(b) APPLICATIONS RESULTING FROM PRIOR EMPLOYMENT.—An applicant is not considered to be named on a previously filed application for purposes of subsection (a)(2) if the applicant has assigned, or is under an obligation by contract or law to assign, all ownership rights in the application as the result of the applicant’s previous employment.

“(c) FOREIGN CURRENCY EXCHANGE RATE.—If an applicant’s or entity’s gross income in the preceding year is not in United States dollars, the average currency exchange rate, as reported by the Internal Revenue Service, during the preceding year shall be used to determine whether the applicant’s or entity’s gross income exceeds the threshold specified in paragraphs (3) or (4) of subsection (a).”.

On page 94, between lines 18 and 19, insert the following:

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to imply that other business methods are patentable or that other business-method patents are valid.

On page 94, line 19, strike “(c)” and insert “(d)”.

On page 103, between lines 11 and 12, insert the following:

“(c) DERIVATIVE JURISDICTION NOT REQUIRED.—The court to which a civil action is removed under this section is not precluded from hearing and determining any claim in such civil action because the State court from which such civil action is removed did not have jurisdiction over that claim.”.

On page 103, line 12, strike “(c)” and insert “(d)”.

On page 105, between lines 22 and 23, insert the following:

## SEC. 18. TRANSITIONAL PROGRAM FOR COVERED BUSINESS-METHOD PATENTS.

(a) REFERENCES.—Except as otherwise expressly provided, wherever in this section language is expressed in terms of a section or chapter, the reference shall be considered to be made to that section or chapter in title 35, United States Code.

(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. 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 325 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 unless 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 day prior to the date of enactment of this Act may support such ground only on the basis of—

(i) prior art that is described by section 102(a) (as in effect on the day prior to the date of enactment of this Act); or

(ii) prior art 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 day prior to the date of enactment of this Act) if the disclosure had been made by another before the invention thereof 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 that the petitioner raised during a transitional proceeding that resulted in a final written decision.

(E) The Director may institute a transitional proceeding only 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, except that the regulations shall not apply to a patent described in the first sentence of section 5(f)(2) of this Act during the period that a petition for post-grant review of that patent would satisfy the requirements of section 321(c).

(3) SUNSET.—

(A) IN GENERAL.—This subsection, and the regulations issued pursuant to this subsection, are repealed effective on the date that is 4 years after the date that the regulations issued pursuant to paragraph (1) take effect.

(B) APPLICABILITY.—Notwithstanding subparagraph (A), this subsection and the regulations implemented pursuant to this subsection shall continue to apply to any petition for a transitional proceeding that is

filed prior to the date that this subsection is repealed pursuant to subparagraph (A).

(c) REQUEST FOR STAY.—

(1) IN GENERAL.—If a party seeks a stay of a civil action alleging infringement of a patent under section 281 in relation to a transitional proceeding for that patent, the court shall decide whether to enter a stay based on—

(A) whether a stay, or the denial thereof, will simplify the issues in question and streamline the trial;

(B) whether discovery is complete and whether a trial date has been set;

(C) whether a stay, or the denial thereof, would unduly prejudice the nonmoving party or present a clear tactical advantage for the moving party; and

(D) whether a stay, or the denial thereof, will reduce the burden of litigation on the parties and on the court.

(2) REVIEW.—A party may take an immediate interlocutory appeal from a district court’s decision under paragraph (1). The United States Court of Appeals for the Federal Circuit shall review the district court’s decision to ensure consistent application of established precedent.

(d) DEFINITION.—For purposes of this section, the term “covered business method patent” means a patent that claims a method or corresponding apparatus for performing data processing operations utilized in the practice, administration, or management of a financial product or service, except that the term shall not include patents for technological inventions. Solely for the purpose of implementing the transitional proceeding authorized by this subsection, the Director shall prescribe regulations for determining whether a patent is for a technological invention.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as amending or interpreting categories of patent-eligible subject matter set forth under section 101.

## SEC. 19. TRAVEL EXPENSES AND PAYMENT OF ADMINISTRATIVE JUDGES.

(a) AUTHORITY TO COVER CERTAIN TRAVEL RELATED EXPENSES.—Section 2(b)(11) of title 35, United States Code, is amended by inserting “, and the Office is authorized to expend funds to cover the subsistence expenses and travel-related expenses, including per diem, lodging costs, and transportation costs, of non-federal employees attending such programs” after “world”.

(b) PAYMENT OF ADMINISTRATIVE JUDGES.—Section 3(b) of title 35, United States Code, is amended by adding at the end the following:

“(6) ADMINISTRATIVE PATENT JUDGES AND ADMINISTRATIVE TRADEMARK JUDGES.—The Director has the authority to fix the rate of basic pay for the administrative patent judges appointed pursuant to section 6 of this title and the administrative trademark judges appointed pursuant to section 17 of the Trademark Act of 1946 (15 U.S.C. 1067) at not greater than the rate of basic pay payable for Level III of the Executive Schedule. The payment of a rate of basic pay under this paragraph shall not be subject to the pay limitation of section 5306(e) or 5373 of title 5.”.

## SEC. 20. PATENT AND TRADEMARK OFFICE FUNDING.

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) DIRECTOR.—The term “Director” means the Director of the United States Patent and Trademark Office.

(2) FUND.—The term “Fund” means the public enterprise revolving fund established under subsection (c).

(3) OFFICE.—The term “Office” means the United States Patent and Trademark Office.

(4) TRADEMARK ACT OF 1946.—The term “Trademark Act of 1946” means an Act entitled “Act to provide for the registration and

protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.) (commonly referred to as the "Trademark Act of 1946" or the "Lanham Act").

(5) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary of Commerce for Intellectual Property.

(b) FUNDING.—

(1) IN GENERAL.—Section 42 of title 35, United States Code, is amended—

(A) in subsection (b), by striking "Patent and Trademark Office Appropriation Account" and inserting "United States Patent and Trademark Office Public Enterprise Fund"; and

(B) in subsection (c), in the first sentence—

(i) by striking "To the extent" and all that follows through "fees" and inserting "Fees"; and

(ii) by striking "shall be collected by and shall be available to the Director" and inserting "shall be collected by the Director and shall be available until expended".

(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 first 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)—

(A) any fees collected under sections 41, 42, and 376 of title 35, United States Code, provided that notwithstanding any other provision of law, if such fees are collected by, and payable to, the Director, the Director shall transfer such amounts to the Fund, provided, 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

(B) any fees collected under section 31 of the Trademark Act of 1946 (15 U.S.C. 1113).

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

(A) 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, as such services, programs, activities, and duties are described under—

(i) title 35, United States Code; and

(ii) the Trademark Act of 1946; and

(B) all expenses incurred pursuant to any obligation, representation, or other commitment of the Office.

(d) 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—

(1) 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;

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

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

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

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

(e) 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 and expenditure of the total amount of the funds for that fiscal year in accordance with section 605 of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109-108; 119 Stat. 2334).

(2) CONTENTS.—Each plan under paragraph (1) shall—

(A) summarize the operations of the Office for the current fiscal year, including financial details and staff levels with respect to major activities; and

(B) detail the operating plan of the Office, including specific expense and staff needs, for the current fiscal year.

(f) AUDIT.—The Under Secretary shall, on an annual basis, provide for an independent audit of the financial statements of the Office. Such audit shall be conducted in accordance with generally acceptable accounting procedures.

(g) BUDGET.—The Fund shall prepare and submit each year to the President a business-type budget in a manner, and before a date, as the President prescribes by regulation for the budget program.

On page 105, line 23, strike "SEC. 18." and insert "SEC. 21."

At the end, add the following:

#### SEC. 22. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

**SA 122.** Mr. COONS 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 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 123.** Mr. KIRK (for himself and Mr. PRYOR) 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; as follows:

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

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

Subject to available resources, the Director may establish 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 124.** Mr. MENENDEZ 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; as follows:

On page 104, strike line 23, and insert the following:

#### SEC. 18. PRIORITY EXAMINATION FOR TECHNOLOGIES IMPORTANT TO AMERICAN COMPETITIVENESS.

Section 2(b)(2) of title 35, United States Code, is amended—

(1) in subparagraph (E), by striking "and" and inserting a semicolon;

(2) in subparagraph (F), by striking the semicolon and inserting "and"; and

(3) by adding at the end the following:

"(G) may, subject to any conditions prescribed by the Director and at the request of the patent applicant, provide for prioritization of examination of applications for products, processes, or technologies that are important to the national economy or national competitiveness, such as green technologies designed to foster renewable energy, clean energy, biofuels or bio-based products, agricultural sustainability, environmental quality, energy conservation, or energy efficiency, without recovering the aggregate extra cost of providing such prioritization, notwithstanding section 41 or any other provision of law;"

#### SEC. 19. EFFECTIVE DATE.

**SA 125.** Mr. CARDIN 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, strike line 23, and insert the following:

#### SEC. 18. COMPLIANCE WITH CERTAIN ORDERS OF THE FEDERAL COMMUNICATIONS COMMISSION.

Section 1498 of title 28, United States Code, is amended by adding at the end the following:

"(f) Whenever, after the date of enactment of this subsection, a wireless carrier is alleged to infringe a patent or copyright not previously licensed as a means to comply with an order or directive of the Federal Communications Commission concerning enhanced 911 services, then that alleged infringement shall be construed as a use or manufacture for the United States for purposes of this section."

#### SEC. 19. EFFECTIVE DATE.

**SA 126.** Ms. STABENOW (for herself and Mr. LEVIN) submitted an amendment intended to be proposed by her 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, strike line 23 and insert the following:

#### SEC. 18. DESIGNATION OF DETROIT SATELLITE OFFICE.

(a) DESIGNATION.—The satellite office of the United States Patent and Trademark Office to be located in Detroit, Michigan shall be known and designated as the "Elijah J. McCoy United States Patent and Trademark Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the satellite office of the United States Patent and Trademark Office to be located in Detroit, Michigan referred to in subsection (a) shall be deemed to be a reference to the "Elijah J. McCoy United States Patent and Trademark Office".

#### SEC. 19. EFFECTIVE DATE.

**SA 127.** Mr. ENSIGN 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 94, between lines 18 and 19, insert the following:

(c) **EXCLUSION.**—This section does not apply to tax preparation computer software or financial management computer software that is novel and nonobvious as computer software.

On page 94, line 19, strike “(c)” and insert “(d)”.

**SA 128.** Mr. FRANKEN 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. TEMPORARY PROGRAM FOR RAPID DEPLOYMENT OF RENEWABLE ENERGY AND ELECTRIC POWER TRANSMISSION PROJECTS.**

Section 1705(a) of the Energy Policy Act of 2005 (42 U.S.C. 16516(a)) is amended by adding at the end the following:

“(4) Energy efficiency projects, including projects to retrofit residential, commercial, and industrial buildings, facilities, and equipment.”.

**SA 129.** Mr. RISCH 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 42, line 19, strike “6 months” and insert “1 year”.

**SA 130.** Mr. RISCH 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 38, strike line 17 and all that follows through page 53, line 12.

**SA 131.** Mr. CARDIN 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 79, line 18, strike “AND MICRO ENTITIES.—” and insert “, MICRO ENTITIES, HBCUS, AND OTHER MINORITY-SERVING INSTITUTIONS.—”.

On page 80, line 2, strike the period and insert “and to any eligible institution defined in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q).”.

**SA 132.** Mr. CARDIN (for himself and Ms. LANDRIEU) 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 20, strike line 11 and all that follows through “(iv)” on line 14, and insert the following:

(iii) the effects of the change on small business concerns owned and controlled by women, as that term is defined in section 3

of the Small Business Act (15 U.S.C. 632), and small business concerns owned and controlled by socially and economically disadvantaged individuals, as that term is defined in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C));

(iv) the cost savings and other potential benefits to small business concerns of the change; and

(v)

## NOTICES OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, March 8, 2010, at 10:00 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nomination of Peter B. Lyons, to be an Assistant Secretary of Energy (Nuclear Energy).

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to [Amanda\\_kelly@energy.senate.gov](mailto:Amanda_kelly@energy.senate.gov).

For further information, please contact Sam Fowler or Amanda Kelly.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, March 10, 2011, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 398, a bill to amend the Energy Policy and Conservation Act to improve energy efficiency of certain appliances and equipment, and for other purposes, and S. 395, the Better Use of Light Bulbs Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to [Abigail\\_Campbell@energy.senate.gov](mailto:Abigail_Campbell@energy.senate.gov).

For further information, please contact Al Stayman or Abigail Campbell.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Armed Services be author-

ized to meet during the session of the Senate on March 1, 2011, at 9:30 a.m.

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

### COMMITTEE ON ARMED SERVICES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 1, 2011, at 4:30 p.m.

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

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 1, 2011, at 10 a.m., to conduct a committee hearing entitled “Semi-annual Monetary Policy Report to Congress.”

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

### COMMITTEE ON FINANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 1, 2011, at 10 a.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled “How Did We Get Here? Changes in the Law and Tax Environment Since the Tax Reform Act of 1986.”

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

### COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 1, 2011, at 10 a.m., to hold a hearing entitled “Breaking the Cycle of North Korean Provocations.”

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

### COMMITTEE ON RULES AND ADMINISTRATION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on March 1, 2011, at 10 a.m.

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

### COMMITTEE ON VETERANS' AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on March 1, 2011. The committee will meet in room 345 of the Cannon House Office Building beginning at 2 p.m.

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

### SELECT COMMITTEE ON INTELLIGENCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 1, 2011, at 2:30 p.m.

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