

But more must be done, which is why the BUILD Act seeks to provide these incentives and expand the pipeline for Native American students to become teachers, principals and administrators. Strong classroom teachers and school leadership must be developed, not left to chance.

In addition to Native American students learning from Native American teachers and mentors, learning in their own language and culture has been shown to improve academic outcomes. Schools can succeed when they promote and maintain an overall educational climate that values and respects Native language and culture, and make the curriculum relevant to Native students' lives. Native American children who are proficient in their native language have higher proficiency in English and lower dropout rates.

My bill would strengthen language and culturally based education by allowing tribal leaders and elders to teach Native language in schools. School districts in New Mexico are piloting programs like these.

For example, the Mescalero Apache Schools developed a Native Language K-12 Curriculum aligned to New Mexico State Standards where tribal members are teaching in the school system.

The Central Consolidated School District is the first public school in the State to implement a language Immersion Program/Model in Navajo language.

The Pueblo of Jemez has created an Education Collaborative by coordinating effort between Tribal, Public, Charter and Bureau school educators and administrators to align curriculum and transitions from one school to the next, while supporting and honoring the Jemez language, culture and traditions.

Also related to this, the BUILD Act reauthorizes the Esther Martinez Act for native language immersion programs, and allows standards, assessments, and teaching strategies to accommodate diverse culture and language learning needs.

Last but not least, the BUILD Act calls for both full and forward funding of Impact Aid. Forward funding so that tribal school administrators will know before the school year begins what resources they have for salaries, for maintenance and utilities, and for supplies. Full funding so that school districts receive the funds they need to provide a quality education to all children.

For many of these local school districts responsible for educating children connected to federal land, Impact Aid represents the basic funding that supports their schools. Yet, Impact Aid appropriations have not matched the loss in property taxes that these communities would otherwise have been able to use to support their local schools. Impact Aid construction and facilities funds have been redirected to basic support, resulting in school build-

ings deteriorating and in such poor condition that no parent could expect their child to learn in them. Years of not fully funding Impact Aid has resulted in Indian Treaty Land school districts with insufficient resources to meet Average Yearly Progress under No Child Left Behind, including the difficulties to retain highly qualified teachers and purchase adequate computer equipment to educate its children, and an inability to renovate existing facilities and maintain adequate transportation fleets.

In developing the BUILD Act, I worked closely with many tribes, Indian Educators, and Indian institutes of higher education and am happy to have the support from many of them. Southwestern Indian Polytechnic Institute, Institute of American Indian Arts, Navajo Technical College, the NM Indian Education Advisory Council, the National Indian Education Association, American Indian Higher Education Consortium, and National Association of Federally Impacted Schools have all endorsed the BUILD Act. I would like to thank them for their support and collaboration.

I would also like to thank Senator AKAKA, my chairman on the Indian Affairs Committee, with whom I worked to include many of these provisions in the Native CLASS Act, which he introduced this past June. The Native CLASS Act is important legislation that will improve the Elementary and Secondary Education Act by including provisions to strengthen tribal control of education for Native American students through relationships between tribes and local education agencies and greater parental involvement with school districts; by providing alternatives to detention programs for at-risk Indian children; and by providing for alternative licensure and other incentives to increase the number of skilled native language teachers.

I look forward to working with Senator AKAKA and the rest of my colleagues to ensure that the provisions and ideas in the BUILD Act and Native CLASS Act are reflected in any ESEA Reauthorization legislation. Native American children are the future of their communities and our nation. They deserve equal access to resources, teachers, and safe schools. Unfortunately, to date, they have not been getting this. It is long past time for us to do something about it.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 258—SUPPORTING THE DESIGNATION OF NATIONAL ADULT EDUCATION AND FAMILY LITERACY WEEK

Mrs. MURRAY (for herself, Mr. ALEXANDER, Mr. ENZI, Mr. WHITEHOUSE, Mr. WEBB, Mr. BEGICH, Mr. JOHNSON of South Dakota, Ms. STABENOW, Mr. CARDIN, Mr. CASEY, Ms. MURKOWSKI, and Ms. MIKULSKI) submitted the fol-

lowing resolution; which was considered and agreed to:

S. RES. 258

Whereas the National Assessment of Adult Literacy reports that approximately 90,000,000 adults in the United States lack the literacy, numeracy, or English language skills necessary to succeed at home, in the workplace, and in society;

Whereas the literacy of the people of the United States is essential for the social and economic well-being of the United States, and literacy allows individuals to benefit from full participation in society;

Whereas the United States reaps the economic benefits from the efforts of individuals to raise their literacy, numeracy, and English language skills;

Whereas literacy and educational skills are a prerequisite to individuals reaping the full benefit of opportunities in the United States;

Whereas the economy and the position of the United States in the world marketplace depend on having a literate, skilled population;

Whereas the unemployment rate in the United States is highest among individuals without a high school diploma or an equivalent credential, indicating that education is key to economic recovery;

Whereas parents who are educated and read to their children directly impact the educational success of their children;

Whereas parental involvement is a key predictor of a child's success, and the level of parental involvement increases as the education level of the parent increases;

Whereas parents in family literacy programs become more involved in their children's education and gain the tools necessary to obtain a job or find better employment;

Whereas, as a result of family literacy programs, children's lives become more stable, and success in the classroom, and in all future endeavors, becomes more likely;

Whereas adults need to be part of a long-term solution to the education challenges of the United States;

Whereas many older people in the United States lack the reading, math, or English language skills necessary to read a prescription and follow medical instructions, endangering their lives and the lives of their loved ones;

Whereas many individuals who are unemployed, underemployed, or receive public assistance lack the literacy skills to obtain and keep a job to sustain their family, continue their education, or participate in job training programs;

Whereas many high school dropouts do not have the literacy skills to complete their education, transition to postsecondary education or career and technical training, or become employed;

Whereas a large percentage of individuals in prison have low educational skills, and prisoners without educational skills are more likely to return to prison once released;

Whereas many immigrants to the United States do not have the literacy skills necessary to succeed in the United States;

Whereas National Adult Education and Family Literacy week highlights the need to ensure that each and every citizen has the necessary literacy and educational skills to succeed at home, at work, and in society; and

Whereas the week beginning September 12, 2011, would be an appropriate week to designate as National Adult Education and Family Literacy Week: Now, therefore, be it Resolved, That the Senate—

(1) supports the designation of National Adult Education and Family Literacy Week,

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. JOHANN) 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. DEMINT, Mrs. FEINSTEIN, Mrs. BOXER, Mr. UDALL 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. LEE) 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. JOHANN) 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:

At the appropriate place insert the following:

SEC. ____ . 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 3502(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 rulemaking;

(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 a serious 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 “small entities” has the meaning given under section 601(6) of title 5, United States Code.

(c) SIGNIFICANT REGULATORY ACTIONS.—

(1) IN GENERAL.—No agency may take any 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 waive 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 that waiver and the reasons for that waiver.

(2) ADDITIONAL WAIVERS.—

(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; and

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

(C) CONGRESSIONAL ACTION.—Congress shall give expeditious 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, that employs 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 chapter 7 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 and enjoining the application or enforcement of that significant regulatory action, unless the court finds by a preponderance of the evidence that application or enforcement is required to protect against 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 costs to a substantially prevailing small business in any civil action arising under this section. A party qualifies as substantially prevailing even without obtaining a final judgment in its favor if the agency changes its position as a result of the civil action.

(6) LIMITATION ON COMMENCING CIVIL ACTION.—A person may seek and obtain judicial review during the 1-year period beginning on the date of the challenged agency action or within 90 days after an enforcement action or notice thereof, except that where another provision of law requires that a civil action be commenced before the expiration of that 1-year period, such lesser period shall apply.

SA 595. Ms. CANTWELL submitted an amendment intended to be proposed by her 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:

On page 119, strike line 21 and all that follows through page 125, line 11, and 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