

contains a provision which will require government officials, who are responsible for authorizing the disclosure of national intelligence or intelligence related to national security to the media or the general public, to notify the congressional intelligence committees on a timely basis with respect to such disclosures.

It is my hope that the House of Representatives will take this bill up quickly, pass it, and then send it on to the President for signature.

Mr. REID. Mr. President, I ask unanimous consent that a Feinstein-Chambliss substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and the Senate proceed to vote on passage.

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

The amendment (No. 3441) in the nature of a substitute was agreed to.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Is there any further debate?

If not, the bill having been read the third time, the question is, Shall it pass?

The bill, (S. 3454), as amended, was passed.

Mr. REID. Mr. President, I ask unanimous consent that the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to this matter be printed in the RECORD.

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

#### ASSISTING STATELESS CHILDREN FROM NORTH KOREA

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of H.R. 1464 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title. The assistant legislative clerk read as follows:

A bill (H.R. 1464) to develop a strategy for assisting stateless children from North Korea, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I further ask unanimous consent that the Burr substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; that the title amendment, which is at the desk, be agreed to; that the motions to reconsider be considered made and laid upon the table and any statements relating to the measure be printed in the RECORD.

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

The amendment (No. 3442) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "North Korean Child Welfare Act of 2012".

#### SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) hundreds of thousands of North Korean children suffer from malnutrition in North Korea, and North Korean children or children of one North Korean parent who are living outside of North Korea may face statelessness in neighboring countries; and

(2) the Secretary of State should advocate for the best interests of these children, including, when possible, facilitating immediate protection for those living outside North Korea through family reunification or, if appropriate and eligible in individual cases, domestic or international adoption.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) HAGUE COUNTRY.—The term "Hague country" means a country where the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, done at The Hague May 29, 1993, has entered into force and is fully implemented.

(3) NON-HAGUE COUNTRY.—The term "non-Hague country" means a country where the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, done at The Hague May 29, 1993, has not entered into force.

#### SEC. 4. BRIEFINGS ON THE WELFARE OF NORTH KOREAN CHILDREN.

(a) IN GENERAL.—The Secretary of State shall designate a representative to regularly brief the appropriate congressional committees in an unclassified setting on United States Government efforts to advocate for the best interests of North Korean children and children of one North Korean parent, including efforts to address, when appropriate, the adoption of such children living outside North Korea without parental care.

(b) CONTENTS.—The Secretary's designee shall be prepared to address in each briefing the following topics:

(1) The analysis of the Department of State of the challenges facing North Korean children residing outside North Korea and challenges facing children of one North Korean parent in other countries who are fleeing persecution or are living as de jure or de facto stateless persons.

(2) Department of State efforts to advocate for the best interest of North Korean children residing outside North Korea or children of one North Korean parent living in other countries who are fleeing persecution or are living as de jure or de facto stateless persons, including, when possible, efforts to address the immediate care and family reunification of these children, and, in individual cases where appropriate, the adoption of eligible North Korean children living outside North Korea and children of one North Korean parent living outside North Korea.

(3) Department of State efforts to develop a comprehensive strategy to address challenges that United States citizens would encounter in attempting to adopt, via intercountry adoption, North Korean-origin children residing in other countries or children of one North Korean parent residing outside North Korea who are fleeing persecution or are living as de jure or de facto stateless persons, including efforts to overcome the complexities involved in determining jurisdic-

tion for best interest determinations and adoption processing, if appropriate, of those who habitually reside in a Hague country or a non-Hague country.

(4) Department of State diplomatic efforts to encourage countries in which North Korean children or children of one North Korean parent are fleeing persecution or reside as de jure or de facto stateless persons to resolve issues of statelessness of North Koreans residing in that country.

(5) Department of State efforts to work with the Government of the Republic of Korea to establish pilot programs that identify, provide for the immediate care of, and assist in the family reunification of North Korean children and children of one North Korean parent living within South Korea and other countries who are fleeing persecution or are living as de jure or de facto stateless persons.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 1464), as amended, was passed.

The amendment (No. 3443) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: "To express the sense of Congress regarding North Korean children and children of one North Korean parent and to require the Department of State regularly to brief appropriate congressional committees on efforts to advocate for and develop a strategy to provide assistance in the best interest of these children."

#### AUTHORIZING THE ATTORNEY GENERAL TO AWARD GRANTS FOR STATES TO IMPLEMENT DNA ARRESTEE COLLECTION PROCESSES

Mr. REID. Mr. President, I ask unanimous consent to proceed to H.R. 6014.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6014) to authorize the Attorney General to award grants for States to implement DNA arrestee collection processes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be made and laid upon the table, with no intervening action or debate, and any statements related to this matter be printed in the RECORD.

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

The bill (H.R. 6014) was ordered to a third reading, was read the third time, and passed.

#### FORMER PRESIDENTS PROTECTION ACT OF 2012

Mr. REID. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 6620 and the Senate proceed to its consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6620) to amend title 18, United States Code, to eliminate certain limitations on the length of Secret Service Protection for former Presidents and for the children of former Presidents.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Today the Senate is enacting provisions sent to us by Representative CONYERS, Chairman SMITH and others to repeal a shortsighted limitation passed in 1994 to limit Secret Service protection of former Presidents. The House bill reverses the 10-year limitation enacted during a time when partisans were angry at the American people's election of President Clinton. They contended they were saving taxpayers money with this change in protection, but I doubt their legislation had any such effect. Now that the limitation might limit Secret Service protection for George W. Bush, they are ready to reverse course. We live in a world of real threats and dangerous people intent on wrongdoing. I support this effort to protect former President Bush and other Presidents going forward.

I think we should take a more thorough look at this outdated statute and expressly extend protection for the minor children of former Presidents, as well. In today's world, I do not believe ending such protection at age 15 is prudent. I have raised the issue with the authors of this legislation, with the Secret Service and with the current administration. They are hesitant to improve upon the current bill. I think we are making a mistake by not taking this opportunity to extend protection to children in our first families until they reach 21 years of age. I will not hold up the beneficial change that will be made by the House bill in order to demand a more thorough overhaul of the statute at this time. I suspect Congress will need to reassess this matter because we have not done all we should now.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and any statements related to this matter be placed in the RECORD.

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

The bill (H.R. 6620) was ordered to a third reading, was read the third time, and passed.

#### CORRECTING AND IMPROVING THE LEAHY-SMITH AMERICA INVENTS ACT

Mr. REID. Mr. President, I now ask unanimous consent to proceed to H.R. 6621.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6621) to correct and improve certain provisions of the Leahy-Smith America Invents Act and title 35, United States Code.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Earlier this Congress, the Senate and the House of Representatives came together to pass the Leahy-Smith America Invents Act, the most comprehensive change to our Nation's patent laws in 60 years. It was the result of more than 6 years of bipartisan, bicameral work by many, including my counterpart on the House Judiciary Committee, Chairman LAMAR SMITH. Now 15 months since President Obama signed our bill into law, its reforms are already starting to take effect, benefiting inventors and businesses around the country.

I am pleased the Senate has taken action to pass Chairman SMITH's technical corrections legislation, H.R. 6621. The legislation makes a small number of changes to clarify and improve the law and to help streamline its implementation. The bill corrects several minor drafting errors and clarifies provisions concerning the inventor's oath, notice of patent term adjustments, derivation proceedings, and the terms of the Patent Public Advisory Committee. It also addresses an inadvertent "dead zone" by clarifying the remedies available to those wishing to challenge patent applications.

The changes are straightforward and noncontroversial. They should help reduce confusion and ease implementation of the law. I appreciate Chairman SMITH's efforts to draft this legislation and to move it through the House of Representatives so the Patent and Trademark Office, PTO, and participants in the patent system can benefit from its effects.

Regrettably, the legislation passed today does not include one technical correction that would improve the law by restoring Congress's intent for the post-grant estoppel provision of the America Invents Act. Chairman SMITH recently described certain language contained in that provision as an "inadvertent scrivener's error." As written, it unintentionally creates a higher threshold of estoppel than was in the legislation that passed the Senate 95-5, or that was intended by the House, according to Chairman SMITH's statement. I hope we will soon address this issue so that the law accurately reflects Congress's intent.

We must also continue to focus on the troubling problem of several hundred "pre-GATT" patent applications that have now been pending before the Patent Office for over 18 years. The original version of this legislation in the House addressed that problem by providing a 1-year window for the pending applications to be processed. Unfortunately, that language was removed before final passage in the House and replaced with a provision requiring the Patent Office to prepare a report. The amended bill the Senate has passed

today strikes the report, but I will work closely with the PTO to identify the cause of the delays and ensure that the PTO has the tools it needs to address any abuses by those who may be trying to game the system and use the patent laws to impede, rather than encourage innovation.

There is still more work to be done to address the problems that confront our patent system. The assertion of patents is still too often used by patent trolls to extract payment even where there is not infringement of a valid patent, and the "tech patent wars" among the large mobile phone companies show the perils to competition that can come when companies do not reach business-to-business resolutions of their patent disputes. But the important reforms made by the Leahy-Smith America Invents Act go a long way toward improving the patent system. This legislation will help streamline those reforms, helping inventors, businesses, and the countless American workers employed in industries that produce and rely on intellectual property.

Mr. REID. Mr. President, I ask unanimous consent that the Leahy-Grassley substitute amendment which is at the desk be agreed to; the bill, as amended, be read a third time and passed; a motion to reconsider be considered made and laid upon the table, and any statements related to this matter be printed in the RECORD.

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

The amendment (No. 3444) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. TECHNICAL CORRECTIONS.

(a) ADVICE OF COUNSEL.—Notwithstanding section 35 of the Leahy-Smith America Invents Act (35 U.S.C. 1 note), section 298 of title 35, United States Code, shall apply to any civil action commenced on or after the date of the enactment of this Act.

(b) TRANSITIONAL PROGRAM FOR COVERED BUSINESS METHOD PATENTS.—Section 18 of the Leahy-Smith America Invents Act (35 U.S.C. 321 note) is amended—

(1) in subsection (a)(1)(C)(i), by striking "of such title" the second place it appears; and

(2) in subsection (d)(2), by striking "subsection" and inserting "section".

(c) JOINDER OF PARTIES.—Section 299(a) of title 35, United States Code, is amended in the matter preceding paragraph (1) by striking "or counterclaim defendants only if" and inserting "only if".

(d) DEAD ZONES.—

(1) INTER PARTES REVIEW.—Section 311(c) of title 35, United States Code, shall not apply to a petition to institute an inter partes review of a patent that is not a patent described in section 3(n)(1) of the Leahy-Smith America Invents Act (35 U.S.C. 100 note).

(2) REISSUE.—Section 311(c)(1) of title 35, United States Code, is amended by striking "or issuance of a reissue of a patent".

(e) CORRECT INVENTOR.—

(1) IN GENERAL.—Section 135(e) of title 35, United States Code, as amended by section 3(i) of the Leahy-Smith America Invents Act, is amended by striking "correct inventors" and inserting "correct inventor".