

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in the amendment made by section 3(i) of the Leahy-Smith America Invents Act.

(f) INVENTOR'S OATH OR DECLARATION.—Section 115 of title 35, United States Code, as amended by section 4 of the Leahy-Smith America Invents Act, is amended—

(1) by striking subsection (f) and inserting the following:

“(f) TIME FOR FILING.—The applicant for patent shall provide each required oath or declaration under subsection (a), substitute statement under subsection (d), or recorded assignment meeting the requirements of subsection (e) no later than the date on which the issue fee for the patent is paid.”; and

(2) in subsection (g)(1), by striking “who claims” and inserting “that claims”.

(g) TRAVEL EXPENSES AND PAYMENT OF ADMINISTRATIVE JUDGES.—Notwithstanding section 35 of the Leahy-Smith America Invents Act (35 U.S.C. 1 note), the amendments made by section 21 of the Leahy-Smith America Invents Act (Public Law 112-29; 125 Stat. 335) shall be effective as of September 16, 2011.

(h) PATENT TERM ADJUSTMENTS.—Section 154(b) of title 35, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)(i)(II), by striking “on which an international application fulfilled the requirements of section 371 of this title” and inserting “of commencement of the national stage under section 371 in an international application”; and

(B) in subparagraph (B), in the matter preceding clause (i), by striking “the application in the United States” and inserting “the application under section 111(a) in the United States or, in the case of an international application, the date of commencement of the national stage under section 371 in the international application”;

(2) in paragraph (3)(B)(i), by striking “with the written notice of allowance of the application under section 151” and inserting “no later than the date of issuance of the patent”;

(3) in paragraph (4)(A)—

(A) by striking “a determination made by the Director under paragraph (3) shall have remedy” and inserting “the Director’s decision on the applicant’s request for reconsideration under paragraph (3)(B)(ii) shall have exclusive remedy”; and

(B) by striking “the grant of the patent” and inserting “the date of the Director’s decision on the applicant’s request for reconsideration”.

(i) IMPROPER APPLICANT.—Section 373 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 37 of such title, are repealed.

(j) FINANCIAL MANAGEMENT CLARIFICATIONS.—Section 42(c)(3) of title 35, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking “sections 41, 42, and 376,” and inserting “this title.”; and

(B) by striking “a share of the administrative costs of the Office relating to patents” and inserting “a proportionate share of the administrative costs of the Office”;

(2) in subparagraph (B), by striking “a share of the administrative costs of the Office relating to trademarks” and inserting “a proportionate share of the administrative costs of the Office”.

(k) DERIVATION PROCEEDINGS.—

(1) IN GENERAL.—Section 135(a) of title 35, United States Code, as amended by section 3(i) of the Leahy-Smith America Invents Act, is amended to read as follows:

“(a) INSTITUTION OF PROCEEDING.—

“(1) IN GENERAL.—An applicant for patent may file a petition with respect to an inven-

tion to institute a derivation proceeding in the Office. The petition shall set forth with particularity the basis for finding that an individual named in an earlier application as the inventor or a joint inventor derived such invention from an individual named in the petitioner’s application as the inventor or a joint inventor and, without authorization, the earlier application claiming such invention was filed. Whenever the Director determines that a petition filed under this subsection demonstrates that the standards for instituting a derivation proceeding are met, the Director may institute a derivation proceeding.

“(2) TIME FOR FILING.—A petition under this section with respect to an invention that is the same or substantially the same invention as a claim contained in a patent issued on an earlier application, or contained in an earlier application when published or deemed published under section 122(b), may not be filed unless such petition is filed during the 1-year period following the date on which the patent containing such claim was granted or the earlier application containing such claim was published, whichever is earlier.

“(3) EARLIER APPLICATION.—For purposes of this section, an application shall not be deemed to be an earlier application with respect to an invention, relative to another application, unless a claim to the invention was or could have been made in such application having an effective filing date that is earlier than the effective filing date of any claim to the invention that was or could have been made in such other application.

“(4) NO APPEAL.—A determination by the Director whether to institute a derivation proceeding under paragraph (1) shall be final and not appealable.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in the amendment made by section 3(i) of the Leahy-Smith America Invents Act.

(3) REVIEW OF INTERFERENCE DECISIONS.—The provisions of sections 6 and 141 of title 35, United States Code, and section 1295(a)(4)(A) of title 28, United States Code, as in effect on September 15, 2012, shall apply to interference proceedings that are declared after September 15, 2012, under section 135 of title 35, United States Code, as in effect before the effective date under section 3(n) of the Leahy-Smith America Invents Act. The Patent Trial and Appeal Board may be deemed to be the Board of Patent Appeals and Interferences for purposes of such interference proceedings.

(1) PATENT AND TRADEMARK PUBLIC ADVISORY COMMITTEES.—

(1) IN GENERAL.—Section 5(a) of title 35, United States Code, is amended—

(A) in paragraph (1), by striking “Members of” and all that follows through “such appointments.” and inserting the following: “In each year, 3 members shall be appointed to each Advisory Committee for 3-year terms that shall begin on December 1 of that year. Any vacancy on an Advisory Committee shall be filled within 90 days after it occurs. A new member who is appointed to fill a vacancy shall be appointed to serve for the remainder of the predecessor’s term.”;

(B) by striking paragraph (2) and inserting the following:

“(2) CHAIR.—The Secretary of Commerce, in consultation with the Director, shall designate a Chair and Vice Chair of each Advisory Committee from among the members appointed under paragraph (1). If the Chair resigns before the completion of his or her term, or is otherwise unable to exercise the functions of the Chair, the Vice Chair shall exercise the functions of the Chair.”; and

(C) by striking paragraph (3).

(2) TRANSITION.—

(A) IN GENERAL.—The Secretary of Commerce shall, in the Secretary’s discretion, determine the time and manner in which the amendments made by paragraph (1) shall take effect, except that, in each year following the year in which this Act is enacted, 3 members shall be appointed to each Advisory Committee (to which such amendments apply) for 3-year terms that begin on December 1 of that year, in accordance with section 5(a) of title 35, United States Code, as amended by paragraph (1) of this subsection.

(B) DEEMED TERMINATION OF TERMS.—In order to implement the amendments made by paragraph (1), the Secretary of Commerce may determine that the term of an existing member of an Advisory Committee under section 5 of title 35, United States Code, shall be deemed to terminate on December 1 of a year beginning after the date of the enactment of this Act, regardless of whether December 1 is before or after the date on which such member’s term would terminate if this Act had not been enacted.

(m) CLERICAL AMENDMENT.—Section 123(a) of title 35, United States Code, is amended in the matter preceding paragraph (1) by inserting “of this title” after “For purposes”.

(n) EFFECTIVE DATE.—Except as otherwise provided in this Act, the amendments made by this Act shall take effect on the date of enactment of this Act, and shall apply to proceedings commenced on or after such date of enactment.

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

The bill (H.R. 6621), as amended, was read the third time and passed.

ORDERS FOR SUNDAY, DECEMBER 30, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 1 p.m. on Sunday, December 30, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to executive session under the previous order; and that following disposition of the Galante nomination, the Senate recess for 1 hour to allow for caucus meetings.

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

PROGRAM

Mr. REID. Mr. President, there will be two rollcall votes at approximately 2 p.m. on Sunday.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order, following the remarks of Senator SCHUMER, for not to exceed 8 minutes.

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

The Senator from New York.

SUPPLEMENTAL APPROPRIATIONS

Mr. SCHUMER. Mr. President, passing this bill was a very fine accomplishment. Of course, we Senators get up and stand and are very proud of it, as we should be. But without our staffs, we could not get any of this done.

So I would just like to take a few minutes to thank my staff, many of whom were personally impacted by Superstorm Sandy, who worked tirelessly to ensure that New York's needs were adequately addressed as my State continues to react and recover from Superstorm Sandy and her aftermath. Because of their hard work and tireless efforts, I know New York's needs have been addressed in the Sandy supplemental legislation that passed through the Senate earlier this evening.

My great LD Heather McHugh coordinated this effort, making sure that every type of aid was considered and included in this package. She has great knowledge of both the Senate and the House, and it was invaluable in getting this done.

My deputy chief of staff, Erin Sager Vaughan, who is so selfless and wonderful in making sure that every "t" is crossed and every "i" is dotted—I thank her as well.

Her team: Gerry Petrella did an amazing job. He is a Long Islander. He felt the impact of this storm personally, and he was there every step of the way making sure we did not leave out anything. Megan Richardson, Meghan Taira, Jonah Crane, Grant Kerr, Sean Byrne, Hana Greenberg, Veronica Duron were all exceptional on our legislative staff in bringing their expertise to help New York.

I wish to thank my press team: Brian Fallon, Max Young, Meredith Kelly, Lindsay Kryzak, Marissa Kaufman, Chris Scribner, who did a great job.

While this legislation is a tremendous accomplishment for my staff in Washington, DC, I would also like to thank members of my regional offices who not only lived through and experienced Sandy but made themselves available 24 hours a day, 7 days a week, to see that the needs of the people of New York would be recognized and addressed, who extended their arms to those who were in trouble.

Martin Brennan heads my New York operation. He had a torn Achilles and hobbled around in a cast, but he led our staff, as he always does, as a team and exquisitely.

Our casework team, they are seasoned. Suzie Orlove—whom I went to second grade with and has been working for me for over 30 years—Sydney Renwick, Joyce Chang, Julietta Lopez, Jackie Benavides, Karine Vorperian have spent months helping New Yorkers cut through the redtape and get the aid they need.

Nick Martin did an amazing job of connecting resources to needs across New York City and Long Island. Cody Peluso and Deanna Robertson helped make sure New York's northern suburbs were not forgotten.

Touring the damaged communities was a heart-wrenching task. Lane Bodian, who travels with me, was with me every step of the way. Our logistics team of Megan Murphy Vlasto, Jenna Jones, and Alex Victor helped make sure we got where we needed to be in those very difficult days after the storm and ever since.

Additionally, two members of my team were hit hard by the storm. They lost their houses or their houses were badly flooded. I wish to thank them because they ignored their personal situations, particularly in the days after the storm, to help New Yorkers. For that, I will always be grateful to Kyle Strober, who runs our Long Island office, and to Michelle Basic, his assistant, whose family's home was flooded badly on Staten Island.

Finally, the leader of our team is a guy named Mike Lynch, who has molded us into a great operation. He did not put his name in here, characteristically, but he deserves a huge amount of thanks.

Of course, my colleagues Senators GILLIBRAND, LAUTENBERG, MENENDEZ, and their teams were essential. We worked as sort of a seamless web, and I look forward to working with them on the implementation of this package.

I wish to thank Senator Inouye. When he was ill, he continued to meet with Senators GILLIBRAND, MENENDEZ, LAUTENBERG, and myself. We knew how much he cared. I know he is looking down, as I think Senator MIKULSKI said, and he is smiling at the good work we did in a bipartisan way to get this bill passed.

Of course, I wish to thank Senator MIKULSKI. This was the first bill she managed. Let it be a metaphor for all her bills: Senator GILLIBRAND and I have just labeled her "the engineer." She led that train down the track speedily, without flaw, but carefully and was a great leader.

Senator LANDRIEU, the chair of the Homeland Security Subcommittee, was incredible in giving us advice and help, and even in those darkest days was there for us. The other subcommittee leaders—Senator LEAHY, Senator FEINSTEIN, Senator MURRAY—all made sure this package became a reality. Their staffs—Charlie Houy, Lilah Helms, Gabby Batkin, Chuck Keiffer, and Alex Keenan—were great.

Of course, my good friend, truly one of the closest friends I have and a great leader of this place, who understood the need and went out of his way for us, Senator REID, was invaluable. It

would not have happened without him or his amazing floor staff, led by Gary Myrick and Tim Mitchell, who gave us tremendous advice and help. So I also thank them.

Finally, I thank my Republican colleagues across the aisle for putting aside partisanship. We had real differences. But this bill was debated and conducted in the right way. We allowed a lot of amendments. They were not blocked. There were no cheap shots. It was great.

I also wish to thank Gary's colleague, Dave Schiappa, for his advice and help as well.

With that, I wish everybody a nice Saturday and see you all on Sunday.

Mr. President, I ask unanimous consent to amend the order to allow a statement by Senator PRYOR.

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

Mr. SCHUMER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. PRYOR. Mr. President, I have a couple things to say. First, I know the Senator from New York just left, Mr. SCHUMER. I want the people of New York to know, all the citizens of that State, how hard he worked to get this legislation passed. The entire delegation of New York and New Jersey were outstanding.

But Senator SCHUMER, when the storm was still raging, was on the phone calling Senators and Congressmen and calling the White House to get help for his State and the region. He deserves a lot of credit for getting us here. But truthfully, the delegations of those States pulled together and showed a lot of leadership. We appreciate that.

Also, we were so pleased Senator MIKULSKI was able to take the lead on this bill. It was a lot of fun for all of us to see her in action in her first real bill that she handled on the floor as chairman of the Appropriations Committee.

I yield the floor.

ADJOURNMENT UNTIL SUNDAY,
DECEMBER 30, 2012, AT 1 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 1 p.m. on Sunday, December 30, 2012.

Thereupon, the Senate, at 7:50 p.m., adjourned until Sunday, December 30, 2012, at 1 p.m.