

TOOMEY, Mr. VITTER, Mr. WICKER, Mr. GRAHAM, and Mr. CORKER):

S. 1617. A bill to amend the Patient Protection and Affordable Care Act to ensure that individuals can keep their health insurance coverage; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself, Mrs. MCCASKILL, Ms. AYOTTE, and Ms. HEITKAMP):

S. 1618. A bill to enhance the Office of Personnel Management background check system for the granting, denial, or revocation of security clearances or access to classified information of employees and contractors of the Federal Government; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DONNELLY (for himself and Mr. HELLER):

S. 1619. A bill to direct the Secretary of Labor to develop a strategy report to address the skills gap by providing recommendations to increase on-the-job training and apprenticeship opportunities, increase employer participation in education and workforce training, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORNYN:

S. 1620. A bill to prohibit the consideration of any bill by Congress unless a statement on tax transparency is provided in the bill; to the Committee on Finance.

By Mr. FRANKEN (for himself and Mr. HELLER):

S. 1621. A bill to enhance transparency for certain surveillance programs authorized by the Foreign Intelligence Surveillance Act of 1978 and for other purposes; to the Committee on the Judiciary.

By Ms. HEITKAMP (for herself and Ms. MURKOWSKI):

S. 1622. A bill to establish the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes; to the Committee on Indian Affairs.

By Mr. LEE (for himself, Mr. RUBIO, Mr. CRUZ, Mr. PAUL, Mr. ROBERTS, Mr. HATCH, Mr. RISCH, Mr. JOHNSON of Wisconsin, and Mr. COBURN):

S. 1623. A bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BLUMENTHAL (for himself, Mr. UDALL of New Mexico, Mr. MERKLEY, Mrs. SHAHEEN, and Mr. CARDIN):

S. 1624. A bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit for hiring veterans, and for other purposes; to the Committee on Finance.

By Mr. PRYOR (for himself and Mr. BOOZMAN):

S. 1625. A bill to amend section 31306 of title 49, United States Code, to recognize hair as an alternative specimen for pre-employment and random controlled substances testing of commercial motor vehicle drivers and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCONNELL (for himself and Ms. AYOTTE):

S. 1626. A bill to amend the Fair Labor Standards Act of 1938 to provide employees in the private sector with an opportunity for compensatory time off, similar to the opportunity offered to Federal employees, and a flexible credit hour program to help balance the demands of work and family, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WARNER (for himself, Mr. CORNYN, Mr. MENENDEZ, and Mr. COONS):

S. Res. 277. A resolution recognizing the religious and historical significance of the festival of Diwali; to the Committee on the Judiciary.

By Mr. THUNE (for himself and Mr. ROCKEFELLER):

S. Res. 278. A resolution designating October 2013 as "School Bus Safety Month"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 310

At the request of Mr. MORAN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 310, a bill to jump-start economic recovery through the formation and growth of new businesses, and for other purposes.

S. 489

At the request of Mr. WYDEN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 489, a bill to amend the Tariff Act of 1930 to increase and adjust for inflation the maximum value of articles that may be imported duty-free by one person on one day, and for other purposes.

S. 582

At the request of Mr. HOEVEN, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 582, a bill to approve the Keystone XL Pipeline.

S. 699

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 699, a bill to reallocate Federal judgeships for the courts of appeals, and for other purposes.

S. 723

At the request of Mrs. GILLIBRAND, the names of the Senator from New Mexico (Mr. HEINRICH), the Senator from Massachusetts (Mr. MARKEY) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of S. 723, a bill to require the Commissioner of Social Security to revise the medical and evaluation criteria for determining disability in a person diagnosed with Huntington's Disease and to waive the 24-month waiting period for Medicare eligibility for individuals disabled by Huntington's Disease.

S. 1183

At the request of Mr. THUNE, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1183, a bill to amend the Internal Revenue Code of 1986 to repeal the estate and generation-skipping transfer taxes, and for other purposes.

S. 1302

At the request of Mr. HARKIN, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from West Virginia (Mr. MANCHIN) were

added as cosponsors of S. 1302, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide for cooperative and small employer charity pension plans.

S. 1318

At the request of Mr. SCHUMER, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 1318, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care, to amend title XVIII of such Act to modify the requirements for diabetic shoes to be included under Medicare, and for other purposes.

S. 1349

At the request of Mr. MORAN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1349, a bill to enhance the ability of community financial institutions to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes.

S. 1361

At the request of Mr. MURPHY, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 1361, a bill to direct the Secretary of Homeland Security to accept additional documentation when considering the application for veterans status of an individual who performed service as a coastwise merchant seaman during World War II, and for other purposes.

S. 1369

At the request of Mr. BROWN, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1369, a bill to provide additional flexibility to the Board of Governors of the Federal Reserve System to establish capital standards that are properly tailored to the unique characteristics of the business of insurance, and for other purposes.

S. 1456

At the request of Ms. AYOTTE, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 1456, a bill to award the Congressional Gold Medal to Shimon Peres.

S. 1503

At the request of Mr. DURBIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1503, a bill to amend the Public Health Service Act to increase the preference given, in awarding certain asthma-related grants, to certain States (those allowing trained school personnel to administer epinephrine and meeting other related requirements).

S. 1559

At the request of Mr. DURBIN, the names of the Senator from Hawaii (Mr. SCHATZ) and the Senator from Hawaii (Ms. HIRONO) were added as cosponsors of S. 1559, a bill to amend title 38,

United States Code, to modify the method of determining whether Filipino veterans are United States residents for purposes of eligibility for receipt of the full-dollar rate of compensation under the laws administered by the Secretary of Veterans Affairs.

S. 1561

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 1561, a bill to amend the Public Health Service Act to improve provisions relating to the sanctuary system for surplus chimpanzees.

At the request of Mr. HARKIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1561, *supra*.

S. 1590

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 1590, a bill to amend the Patient Protection and Affordable Care Act to require transparency in the operation of American Health Benefit Exchanges.

At the request of Mr. ALEXANDER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1590, *supra*.

S. 1606

At the request of Mr. UDALL of Colorado, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1606, a bill to designate the community-based outpatient clinic of the Department of Veterans Affairs to be constructed at 3141 Centennial Boulevard, Colorado Springs, Colorado, as the "PFC Floyd K. Lindstrom Department of Veterans Affairs Clinic".

S.J. RES. 15

At the request of Mr. CARDIN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S.J. Res. 15, a joint resolution removing the deadline for the ratification of the equal rights amendment.

S. RES. 203

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. Res. 203, a resolution expressing the sense of the Senate regarding efforts by the United States to resolve the Israeli-Palestinian conflict through a negotiated two-state solution.

S. RES. 251

At the request of Mr. SESSIONS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. Res. 251, a resolution expressing the sense of the Senate that the United States Preventive Services Task Force should reevaluate its recommendations against prostate-specific antigen-based screening for prostate cancer for men in all age groups in consultation with appropriate specialists.

S. RES. 268

At the request of Mr. COONS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 268, a resolution condemning the September 2013 terrorist

attack at the Westgate Mall in Nairobi, Kenya, and reaffirming United States support for the people and Government of Kenya, and for other purposes.

S. RES. 276

At the request of Mr. MERKLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Res. 276, a resolution designating October 2013 as "National Work and Family Month".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH:

S. 1612. A bill to deter abusive patent litigation by targeting the economic incentives that fuel frivolous lawsuits; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Patent Litigation Integrity Act of 2013".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MANDATORY FEE SHIFTING

Sec. 101. Litigation and other expenses.

TITLE II—DISCRETIONARY BONDING

Sec. 201. Motion for a bond.

TITLE I—MANDATORY FEE SHIFTING

SEC. 101. LITIGATION AND OTHER EXPENSES.

(a) IN GENERAL.—Section 285 of title 35, United States Code, is amended to read as follows:

"§ 285. Fees and other expenses

"The court shall award to a prevailing party reasonable fees and other expenses, including attorney fees, incurred by that party in connection with a civil action in which any party asserts a claim for relief arising under any Act of Congress relating to patents, unless the court finds that the position and conduct of the nonprevailing party or parties were substantially justified or that special circumstances make an award unjust."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 29 of title 35, United States Code, is amended by striking the item relating to section 285 and inserting the following:

"285. Fees and other expenses."

TITLE II—DISCRETIONARY BONDING

SEC. 201. MOTION FOR A BOND.

(a) IN GENERAL.—Chapter 29 of title 35, United States Code, is amended by inserting after section 285 the following:

"§ 285A. Motion for a bond

"(a) IN GENERAL.—The court, on motion by the defendant or a respondent in a proceeding, may order the party alleging infringement to post a bond sufficient to ensure payment of the accused infringer's reasonable fees and other expenses, including attorney fees.

"(b) FACTORS TO BE CONSIDERED.—For purposes of this section, in determining whether

a bond requirement would be unreasonable or unnecessary, the court shall consider—

"(1) whether the bond will burden the ability of the party alleging infringement to pursue activities unrelated to the assertion, acquisition, litigation, or licensing of any patent;

"(2) whether the party alleging infringement is—

"(A) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)); or

"(B) a non-profit technology transfer organization whose primary purpose is to facilitate the commercialization of technologies developed by one or more institutions of higher education;

"(3) whether a licensee, who has an exclusive right under a patent held by an institution of higher education or a non-profit organization described in paragraph (2), conducts further research on or development of the subject matter to make the subject matter more licensable;

"(4) whether the party alleging infringement is a named inventor of or an original assignee to an asserted patent;

"(5) whether the party alleging infringement makes or sells a product related to the subject matter described in an asserted patent;

"(6) whether the party alleging infringement can demonstrate that it has and will have the ability to pay the accused infringer's fees and other expenses if ordered to do so; and

"(7) whether any party will agree to pay the accused infringer's shifted fees and other expenses, provided that the person or entity can demonstrate that it has and will have the ability to pay the accused infringer's shifted fees and other expenses."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 29 of title 35, United States Code, as amended by section 101, is amended by inserting after the item relating to section 285 the following:

"285A. Motion for a bond."

By Mr. JOHNSON of Wisconsin (for himself, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. CHAMBLISS, Mr. CHIESA, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CORNYN, Mr. CRAPO, Mr. ENZI, Mrs. FISCHER, Mr. FLAKE, Mr. GRASSLEY, Mr. HATCH, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNIS, Mr. KIRK, Mr. MCCAIN, Mr. MCCONNELL, Mr. MORAN, Mr. PAUL, Mr. PORTMAN, Mr. RISCH, Mr. ROBERTS, Mr. RUBIO, Mr. SCOTT, Mr. SESSIONS, Mr. THUNE, Mr. TOOMEY, Mr. VITTER, Mr. WICKER, Mr. GRAHAM, and Mr. CORKER):

S. 1617. A bill to amend the Patient Protection and Affordable Care Act to ensure that individuals can keep their health insurance coverage; to the Committee on Health, Education, Labor, and Pensions.

Mr. JOHNSON of Wisconsin. Mr. President, I come before you today to introduce a piece of legislation which is timely and very much needed.

One of the reasons I decided to run for the Senate was the passage of the health care law. The reason I thought it was pretty important is because I said at the time that passage of the