On page 86, line 9, strike “(i)” and insert “(j).”

Mr. BENNET. My first amendment, cosponsored by Senator AYOTTE, can help small businesses utilize the Patent Office’s Track I program by reducing the fees for participating. Track I allows applicants whose patent is processed more quickly, but the cost can be burdensome for small entities. This amendment would reduce small business costs by 50 percent. This Track I program will give applicants the opportunity for prioritized examination of a patent within 12 months of its filing date. On average, the pendency period for first action was 25.7 months in 2010 and 35.3 months for final disposition. By moving this process along for small businesses, we will stimulate business activity and create jobs.

The 50-percent discount is in line with other small entity filing fee discounts offered by the Patent and Trademark Office. This will encourage startups and smaller inventors. Track I allows applicants to get their patent processed more quickly, but the cost can be burdensome. Small businesses and independent ventures particularly hard because they haven’t yet had a first response. This amendment provides for the establishment of 3 or more satellite offices in the United States to more efficiently and effectively provide patent assistance.

At this time, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. The amendment is as follows:

(Purpose: To establish additional USPTO satellite offices)

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

SEC. 18. SATELLITE OFFICES.

(a) Establishment.—Subject to available resources, the Director shall establish 3 or more satellite offices in the United States to carry out the responsibilities of the Patent and Trademark Office.

(b) Purpose.—The purpose of the satellite offices established under subsection (a) are to:

(1) increase outreach activities to better connect patent filers and innovators with the Patent and Trademark Office;

(2) enhance patent examiner retention;

(3) improve recruitment of patent examiners; and

(4) decrease the number of patent applications waiting for examination and improve the quality of patent examination.

(c) Required Considerations.—In selecting the locale of each satellite office to be established under subsection (a), the Director shall—

(1) ensure geographic diversity among the offices, including by ensuring that such offices are established in different States and regions throughout the Nation; and

(2) rely upon any previous evaluations by the Patent and Trademark Office of potential locales for satellite offices, including any evaluations prepared as part of the Patent and Trademark Office’s Nationwide Workforce Program that resulted in the 2010 selection of Detroit, Michigan as the first satellite office of the Patent and Trademark Office.

(d) Phase-In.—The Director shall satisfy the requirements of subsection (a) over the 3-year period beginning on the date of enactment of this Act.

(e) Report to Congress.—Not later than the end of the first fiscal year that occurs after the date of the enactment of this Act, and each fiscal year thereafter, the Director shall submit a report to Congress on—

(1) the rationale of the Director in selecting the locale of any satellite office required under subsection (a); and

(2) the progress of the Director in establishing all such satellite offices; and

(3) whether the operation of existing satellite offices is achieving the purposes required under subsection (b).

(f) 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.


On page 104, line 23, strike “SEC. 18.” and insert “SEC. 19.”

Mr. BENNET. Mr. President, my amendment provides for the establishment of three regional satellite PTO
The PRESIDING OFFICER. That is correct.

Mr. LEAHY. I thank the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

AMENDMENT NO. 115

Mr. LEE. Mr. President, I ask unanimous consent that Amendment No. 115 be set aside, and I call up amendment No. 115 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, once the Senator has introduced his amendment and has spoken, will he be willing to set that aside so that other amendments on the patent bill can come up?

Mr. LEE. Yes.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. Lee] proposes an amendment numbered 115.

(Purpose: To express the sense of the Senate in support of a balanced budget amendment to the Constitution)

At the appropriate place, insert the following:

SEC. 5. SENSE OF THE SENATE.

It is the sense of the Senate that Congress should agree to an amendment to the Constitution requiring a Federal balanced budget.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. This is a self-explanatory amendment. I am a supporter of this legislation, the patent reform bill. I also point out that this amendment does not bring about any substantive change to that legislation, nor does it lock anyone into a particular variation of a balanced budget amendment proposal.

I am happy to work out an agreement as to the timing for a possible vote, and I hope we can get to that sometime soon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAPO. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes, with the time to be shared between myself and Senator Risch.

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

RELATIVE TO THE DEATH OF FORMER SENATOR JAMES A. MCCLURE

Mr. CRAPO. Mr. President, Senator Risch and I are here today—in fact, I note we are joined by the floor by our former colleague Senator Larry Craig—to honor one of Idaho's greatest statesmen who passed away on Saturday. We rise to honor the distinguished life of Senator James A. McClure, a mentor and a dear friend of mine. As I indicated, Senator Craig is here. Senator Craig is the one who followed Senator McClure into the seat in the Senate. We appreciate him making the effort to get here to also share his concerns and condolences, and frankly, to help honor Senator McClure.

I join Senator McClure's wife Louise and their family and friends and all of Idaho in mourning the passing of Senator McClure and honoring his great legacy. His sound guidance, along with the voice for Idaho, his personal encouragement will be missed by all of us, but definitely not forgotten.

Throughout his decades of public service, Jim McClure set a standard for public servants that will endure for generations. Senator McClure dedicated much of his life to honorable service to our Nation. At the age of 18, he joined the U.S. Navy and served honorably in World War II. He then returned to Idaho and attended law school at the University of Idaho, worked as a prosecuting attorney for Payette County, and served in the Idaho State Senate. With 6 years in the U.S. House of Representatives, and 18 years in the U.S. Senate, his exemplary service in the Congress spanned 24 years.

His unfailing good will, respect for others, and his essential Western conservatism helped him to maintain throughout his life the kind of service that is still the best model for how to engage in today's public policy debates.

Senator McClure's legacy as a Congressman and a Senator is broad, and his contributions to energy, natural resources, and national challenges. He also had a forward-thinking focus on fiscal discipline—one that we could well use in the Senate today—and on energy independence, another critical issue which we continue to battle for today. These are critical issues he helped set the foundation for and, frankly, which his wisdom would have helped to solve.

Jim was a friend and a role model for me and I am sure for many others in Idaho and throughout the Nation. His dedication, kind treatment of others, and skillful proactive and principled approach are long gone to endure. He will be sorely missed, but his lifetime of accomplishments will be with the people of Idaho forever.

I offer my sympathy and my love to Louise and to the entire McClure family, to Jim's many friends and associates.

Mr. President, I yield the time to Senator Risch.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. RISCH. Mr. President, we have come to the floor to mourn the loss of a great statesman in Idaho. Jim McClure was loved uniformly across Idaho and throughout the country. As I indicated, Senator Craig is here. Senator Craig is the one who followed Senator McClure into the seat in the Senate. We appreciate him making the effort to get here to also share his concerns and condolences, and frankly, to help honor Senator McClure.