

to protect their patent application while discussing the invention with possible investors and other third parties.

Other reforms included in the bill will improve the quality of U.S. patents over the long term. The bill creates a new post-grant review of patents, which can be sought within the first 9 months after the patent is issued and used to raise any challenge to the patent. This will allow invalid patents that were mistakenly issued by the PTO to be fixed early in their life, before they disrupt an entire industry or result in expensive litigation.

The bill also allows third parties to submit prior art relevant to a patent application before the patent is issued. This will help PTO determine if the invention is already in the public domain and should not be patented. This provision will allow the public to help the PTO correct its mistakes, and ensure that no patent rights are granted for inventions already available to the public.

The bill also makes structural reforms to post-grant review that were sought by the PTO. It allows inter partes reexamination to be run as an adjudicative system, and elevates the threshold for starting post-grant proceedings. The PTO has insisted that a higher threshold is critical to its ability to administer these proceedings. By raising the threshold for starting an inter partes review to a showing of a "reasonable likelihood" that a patent is invalid, the bill will allow the PTO to avoid accepting challenges that were unlikely to win in any event.

The bill also includes many protections that were long sought by inventors and patent owners. It preserves estoppel against relitigating in court those issues that an inter partes challenger reasonably could have raised in his administrative challenge. It imposes time limits on starting an inter partes or post-grant review when litigation is pending. And it imposes a one-year time limit on the duration of these proceedings. All of these reforms will help to ensure that post-grant review operates fairly and is not used for purposes of harassment or delay.

I commend the members of the Judiciary Committee for the work they have put into this bill and I urge my colleagues to support passage.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, and that the 30 hours postcloture run on the patent bill, and that Senator GRASSLEY be recognized for whatever time he may use in morning business, and that following his statement, Senators be recognized for up to 10 minutes each.

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent that I may speak for some little time after 10 minutes.

Mr. REID. Mr. President, I know my friend was preoccupied. I knew he wanted to do that. The unanimous consent agreement said whatever time he may consume.

The PRESIDING OFFICER. The Senator from Iowa.

#### ENERGY

Mr. GRASSLEY. Mr. President, the American economy remains on an unsettled footing, as we all know. There are some real signs of economic recovery, but it shows a very fragile recovery. The consumer confidence level seems to be increasing, and that is good news. U.S. factory activity is up. That is good news. But also we are very nervous about the housing market remaining weak. The Nation's unemployment rate stands at 9 percent—maybe officially now 8.9 percent—and now our economy is facing a significant head wind due to rising energy prices.

Since the unrest began in Tunisia, our energy markets have rocked upward by the uprisings in Egypt and now in Libya. Libya produces only roughly 2 percent of the world's crude oil, with much of that going to Europe. But even with Libya producing such a small amount, it still makes a tremendous impact on the world market of oil. The uncertainty and fear about supplies, according to oil speculators, has driven crude prices to more than \$100 a barrel. Prices at the pump were already high before the unrest in the Middle East. The events going on in North Africa and the Persian Gulf area just worsened the problem.

According to the Energy Information Administration, gas prices jumped 19 cents during a 1-week period at the end of February. This is the second largest 1-week jump in more than 20 years. I think over the weekend we learned that gasoline, in a 2-week period of time, is up 33 cents. So Americans are now paying, on average, \$3.51 a gallon for gas. That, obviously, is about 80 cents higher than this time last year.

The average cost to fill a tank of gas is likely around \$50. We all know that for a family struggling to make ends meet, these are valuable dollars spent at the pump, with most of those dollars going overseas.

I am sure the Presiding Officer probably knows that before this rapid rise in the price of oil, we were spending \$730 million a day to import oil. Obviously, that is now a much higher figure, probably close to \$1 billion a day right now. Our country is at risk, our economy is at risk, our Nation's security is at risk; that is, economic security, but also it is related to our national security. Our ever-increasing reliance on foreign sources for energy is undermining our Nation's economic and national security. The activities in the Middle East over the last 6 weeks should be an alarm bell going off. It should, in fact, be a wake-up call. Let me be clear. I know that for our economy to grow and for business and indi-

viduals to thrive, we need access to reliable, affordable energy. I support an energy policy that I like to say is akin to a four-legged stool or another way of saying it is all of the above—obviously, all the sources of petroleum we can get our hands on, and more domestically, obviously, than import, all sorts of alternative energy. Conservation has to be a leg of that stool and, obviously, nuclear energy.

So to be repetitive: First, we have to have access to oil and gas resources here at home. Two years ago, when gas prices were so high, the rallying cry was "drill here, drill now." It seems to me that still is a legitimate rallying cry for us with gas at \$3.51 a gallon. The idea that we limit our access to our own resources, which in turn leads us to go hat in hand to foreign dictators such as Hugo Chavez and oil sheiks is ludicrous. It is silly to be sending more money overseas to give people resources to train terrorists to kill Americans.

We currently import more than 60 percent of our crude oil, and it doesn't have to be that way. I know we can't get to energy independence by drilling here and drilling now all by itself, but isn't it a little foolish to have our economy held hostage by events in Libya—North Africa generally—or the Persian Gulf area and particularly with Libya only supplying 2 percent of the world's oil?

The Obama administration needs to put an end to the existing policy of a de facto moratorium through permitting; that is, for drilling onshore and offshore of our own domestic supply. We need to make sure we are doing everything we can to protect workers and the environment. But permitting delays and obstacles should not prevent our Nation from moving forward to developing resources here at home.

I also support efforts to expand the use of clean coal and nuclear energy. I also support conservation efforts. I agree that the cheapest form of energy is the energy that doesn't have to be used. That is conservation. Here in the Senate, I have supported policies aimed at reducing energy use in homes and buildings through conservation and energy-efficient technologies. I see the value in reducing overall energy consumption.

I have also been a leader in the Senate in promoting alternative and renewable energy. Why? Because the supply of fossil fuels is a finite quantity. We must look to alternative and renewable resources so we can improve our energy and our national security. This includes supporting energy from wind, biomass, hydroelectric, solar, geothermal, and biofuels.

I would like to focus now on the effort to develop homegrown biofuels. For many years, Congress has realized the need to develop an alternative to fossil fuels, particularly as a means of reducing our dependence on that fossil fuel. One of the first priorities was a tax incentive to encourage the use of