

including raising public awareness about the importance of adult education, workforce skills, and family literacy;

(2) encourages people across the United States to support programs to assist those in need of adult education, workforce skills upgrading, and family literacy programs; and

(3) recognizes the importance of adult education, workforce skills, and family literacy programs, and calls upon public, private, and non-profit stakeholders to support increased access to adult education and family literacy programs to ensure a literate society.

AMENDMENTS SUBMITTED AND PROPOSED

SA 594. Mr. JOHNSON of Wisconsin (for himself and Mr. JOHANN) submitted an amendment intended to be proposed by him to the bill H.R. 1249, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table.

SA 595. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 1249, supra; which was ordered to lie on the table.

SA 596. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 1249, supra; which was ordered to lie on the table.

SA 597. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 1249, supra; which was ordered to lie on the table.

SA 598. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 1249, supra; which was ordered to lie on the table.

SA 599. Mr. COBURN (for himself, Mr. DEMINT, Mrs. FEINSTEIN, Mrs. BOXER, Mr. UDALL of Colorado, Mr. ENZI, and Mr. BURR) submitted an amendment intended to be proposed by him to the bill H.R. 1249, supra; which was ordered to lie on the table.

SA 600. Mr. SESSIONS (for himself, Mr. MANCHIN, Mr. COBURN, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill H.R. 1249, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 594. Mr. JOHNSON of Wisconsin (for himself and Mr. JOHANN) submitted an amendment intended to be proposed by him to the bill H.R. 1249, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ____ . REGULATION MORATORIUM AND JOBS PRESERVATION ACT OF 2011.

(a) SHORT TITLE.—This section may be cited as the "Regulation Moratorium and Jobs Preservation Act of 2011".

(b) DEFINITIONS.—In this section—

(1) the term "agency" has the meaning given under section 3502(1) of title 44, United States Code;

(2) the term "regulatory action" means any substantive action by an agency that promulgates or is expected to lead to the promulgation of a final regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking;

(3) the term "significant regulatory action" means any regulatory action that is likely to result in a rule or guidance that may—

(A) have an annual effect on the economy of \$100,000,000 or more or adversely affect in a material way the economy, a sector of the

economy, productivity, competition, jobs, the environment, public health or safety, small entities, or State, local, or tribal governments or communities;

(B) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(C) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(D) raise novel legal or policy issues; and

(4) the term "small entities" has the meaning given under section 601(6) of title 5, United States Code.

(c) SIGNIFICANT REGULATORY ACTIONS.—

(1) IN GENERAL.—No agency may take any significant regulatory action, until the Bureau of Labor Statistics average of monthly unemployment rates for any quarter beginning after the date of enactment of this Act is equal to or less than 7.7 percent.

(2) DETERMINATION.—The Secretary of Labor shall submit a report to the Director of the Office of Management and Budget whenever the Secretary determines that the Bureau of Labor Statistics average of monthly unemployment rates for any quarter beginning after the date of enactment of this Act is equal to or less than 7.7 percent.

(d) WAIVERS.—

(1) NATIONAL SECURITY OR NATIONAL EMERGENCY.—The President may waive the application of subsection (c) to any significant regulatory action, if the President—

(A) determines that the waiver is necessary on the basis of national security or a national emergency; and

(B) submits notification to Congress of that waiver and the reasons for that waiver.

(2) ADDITIONAL WAIVERS.—

(A) SUBMISSION.—The President may submit a request to Congress for a waiver of the application of subsection (c) to any significant regulatory action.

(B) CONTENTS.—A submission under this paragraph shall include—

(i) an identification of the significant regulatory action; and

(ii) the reasons which necessitate a waiver for that significant regulatory action.

(C) CONGRESSIONAL ACTION.—Congress shall give expeditious consideration and take appropriate legislative action with respect to any waiver request submitted under this paragraph.

(e) JUDICIAL REVIEW.—

(1) DEFINITION.—In this subsection, the term "small business" means any business, including an unincorporated business or a sole proprietorship, that employs not more than 500 employees or that has a net worth of less than \$7,000,000 on the date a civil action arising under this section is filed.

(2) REVIEW.—Any person that is adversely affected or aggrieved by any significant regulatory action in violation of this section is entitled to judicial review in accordance with chapter 7 of title 5, United States Code.

(3) JURISDICTION.—Each court having jurisdiction to review any significant regulatory action for compliance with any other provision of law shall have jurisdiction to review all claims under this section.

(4) RELIEF.—In granting any relief in any civil action under this subsection, the court shall order the agency to take corrective action consistent with this section and chapter 7 of title 5, United States Code, including remanding the significant regulatory action to the agency and enjoining the application or enforcement of that significant regulatory action, unless the court finds by a preponderance of the evidence that application or enforcement is required to protect against an imminent and serious threat to the national security from persons or states engaged in

hostile or military activities against the United States.

(5) REASONABLE ATTORNEY FEES FOR SMALL BUSINESSES.—The court shall award reasonable attorney fees and costs to a substantially prevailing small business in any civil action arising under this section. A party qualifies as substantially prevailing even without obtaining a final judgment in its favor if the agency changes its position as a result of the civil action.

(6) LIMITATION ON COMMENCING CIVIL ACTION.—A person may seek and obtain judicial review during the 1-year period beginning on the date of the challenged agency action or within 90 days after an enforcement action or notice thereof, except that where another provision of law requires that a civil action be commenced before the expiration of that 1-year period, such lesser period shall apply.

SA 595. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 1249, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

On page 119, strike line 21 and all that follows through page 125, line 11, and insert the following:

SEC. 18. TRANSITIONAL PROGRAM FOR COVERED BUSINESS-METHOD PATENTS.

(a) REFERENCES.—Except as otherwise expressly provided, wherever in this section language is expressed in terms of a section or chapter, the reference shall be considered to be made to that section or chapter in title 35, United States Code.

(b) TRANSITIONAL PROGRAM.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Director shall issue regulations establishing and implementing a transitional post-grant review proceeding for review of the validity of covered business-method patents. The transitional proceeding implemented pursuant to this subsection shall be regarded as, and shall employ the standards and procedures of, a post-grant review under chapter 32, subject to the following exceptions and qualifications:

(A) Section 321(c) and subsections (e)(2), (f), and (g) of section 325 shall not apply to a transitional proceeding.

(B) A person may not file a petition for a transitional proceeding with respect to a covered business-method patent unless the person or his real party in interest has been sued for infringement of the patent or has been charged with infringement under that patent.

(C) A petitioner in a transitional proceeding who challenges the validity of 1 or more claims in a covered business-method patent on a ground raised under section 102 or 103 as in effect on the day prior to the date of enactment of this Act may support such ground only on the basis of—

(i) prior art that is described by section 102(a) (as in effect on the day prior to the date of enactment of this Act); or

(ii) prior art that—

(I) discloses the invention more than 1 year prior to the date of the application for patent in the United States; and

(II) would be described by section 102(a) (as in effect on the day prior to the date of enactment of this Act) if the disclosure had been made by another before the invention thereof by the applicant for patent.

(D) The petitioner in a transitional proceeding, or his real party in interest, may not assert either in a civil action arising in whole or in part under section 1338 of title 28, United States Code, or in a proceeding before the International Trade Commission that a claim in a patent is invalid on any ground