

Quite frankly, I think we can get it to be even better. I think those of us who worked on it would agree. If people disagree with the way we modernized the legal immigration system—let's say they think we don't bring enough high-tech workers or enough farmworkers—change it. File an amendment to change it.

Here is what I would say. Unless you actually believe we don't need to do anything—and listen, if you believe that is valid, that is fine—if you believe that what we have is OK, if you believe we don't need to do anything about immigration, just leave it the way it is, then that is fine. I respect that view. I disagree with it, but I respect it.

If what you think that what we have is a disaster—and I think that is most of us—then let's work on it together to change it. In essence, don't view the bill we drafted as something that is being shoved down your throat, because it is not. View it as a starting point product upon which we can build something that I hope most of us can support.

If you are opposed to this bill or elements of it, try to change it. Try to improve it. That is why we have something called the amendment process. By the way, that is just in the Judiciary Committee. Beyond that, it has to come to the floor of the Senate, where I expect there to be open debate, where I expect there to be an open amendment process. If it passes here, then it has to go to the House and we have to work with them to get a product we all agree on.

Here is my point. If you are going to be against anything no matter what we file or, no matter what, you just don't want to do immigration reform, then that is fine. If you believe, as I do, that our legal immigration system is broken and needs to be modernized, then let's work to change it. If you believe we need to be realistic about the fact that we have 11 million human beings in this country who are going to be here for the rest of their lives, whether we deal with them or not, and that it is not good for America to have that many people here whom we don't know, have no idea who they are, where they are, and many of them are not paying taxes, then let's work together to find a way to deal with it.

If you believe our laws are not being enforced and we need to pass laws that force the administration—this one and a future one—to enforce our law, let's change it. Let's work on something that comes up with that.

I am all ears. I am open-minded about that and so are my colleagues. Let's not leave it the way it is. The way it is is chaos. It is bad for our country. What we have today is not good for the United States. Our job as policymakers is not just to come and criticize, our job is to come and to make a difference. Our job is not just to come to the floor and make speeches or go back home and give speeches or

do television interviews, our job is not just to poke holes, our job is to plug holes too. Our job is not just to criticize but to make better. What we have now doesn't work. It is not good for our country. We can't leave it this way.

We have a chance now to truly improve it. This is not an effort to force anything down anyone's throat. This bill we have worked on is a starting point. It is not a take-it-or-leave-it proposition. It never has been. To pretend it is isn't fair. To pretend that somehow something is being crafted that is being forced down someone's throat with no options to amend it or make it better, that is not true. You know that.

I have talked to almost all of my colleagues here and extended an open hand and said let's work together to make this better. I truly think we have to.

Is this the most important issue America faces? No. We owe \$17 trillion, and we have no idea how we are going to pay it back. We have an economy that is not growing, and we need to do something about it. This is an important issue and, by the way, it is related to that issue. There actually is a growing consensus that we have a chance to do something about it once and for all.

Let's work together. Let's work together to come up with a solution that modernizes our legal immigration system so it is good for our economy, that once and for all forces the administration, this one and a future one, to enforce our immigration laws. Once and for all this will deal with the 11 million people who are here illegally in a way that is fair and compassionate but also fair to the people who did it right and also in a way to ensure this never, ever happens again.

I hope when we come back in a few days we will begin to work on that together for the good of our country and the future of our great Nation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceed to call the roll.

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

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

#### WATER RESOURCES DEVELOPMENT ACT OF 2013—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 44, S. 601.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

Motion to proceed to the bill (S. 601) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

#### CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 44, S. 601, a bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

Harry Reid, Barbara Boxer, Thomas R. Carper, Tom Harkin, John D. Rockefeller IV, Patrick J. Leahy, Debbie Stabenow, Christopher A. Coons, Charles E. Schumer, Bill Nelson, Benjamin L. Cardin, Jon Tester, Mary L. Landrieu, Mark Begich, Joe Manchin III, Richard J. Durbin, Mark L. Pryor.

Mr. REID. I ask unanimous consent that the mandatory quorum required under rule XXII be waived, and that the cloture vote occur on Monday, May 6, following the disposition of the Marketplace Fairness Act.

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

#### OBSERVING WORLD IP DAY

Mr. LEAHY. Madam President, this Friday, April 26, is "World IP Day," when countries around the world celebrate the role of intellectual property in encouraging innovation and creativity. It is an opportunity for us to acknowledge the authors, artists, and musicians who enrich our lives; the inventors whose work is transforming our digital economy; and creators around the world.

Whether you are an inventor, a creative artist, or a small business owner protecting your brand, you deserve the benefit of your work. By protecting those works, we incentivize future developments that benefit us all. As lawmakers, our goal must be to provide strong and effective protections for creators, while ensuring that their creations can be appreciated, used, and enjoyed. This policy is central to the American economy, where 35 percent of our GDP is generated by IP-related industries. A vibrant intellectual property system fosters growth not only in our country, but also around the world.

Earlier this month, I introduced legislation that would strengthen an innovation program created by the Patent and Trademark Office, the Patents for Humanity Program. The Patents for Humanity Program rewards a select number of exceptional innovators who apply their intellectual property to address global humanitarian needs. At the first Patents for Humanity Awards ceremony 2 weeks ago, I was proud to honor inventors who had worked to improve the diagnosis of devastating diseases, supply access to clean water, and

combat the spread of dangerous counterfeit drugs. Our patent system protects that life-changing work and, in the case of the Patents for Humanity Program, helps promote its use for the global good.

As we find ways to incentivize and promote widespread innovation, we must uphold the vital protections that allow innovators to grow and thrive. We must work to deter and prevent the theft of intellectual property, which hurts creators, costs jobs, and impedes economic growth. In our interconnected age, no country, or even group of countries, can address that problem alone. More than ever, we need to work together to recognize the value of intellectual property so that inventors and creators around the world may receive the benefit of their work and continue to create it.

We must also come together to streamline processes that will help innovators to fuel growth in the future. Eighteen months ago, Congress took an important step with passage of the Leahy-Smith America Invents Act, which modernized our patent system for the 21st century and helped harmonize our laws with systems around the world. Last December, I was pleased to expand on those improvements with passage of the Patent Law Treaties Implementation Act, which will help American inventors by simplifying and expediting the process for obtaining patent protections overseas.

There is more Congress can do to improve the patent system and address the problem of patent trolling, by increasing transparency and accountability. I intend to work in a bipartisan and bicameral manner on legislation that will ensure the real party in interest of a patent is disclosed, protect unknown and innocent purchasers of allegedly infringing products from unwarranted suits, and continue to improve patent quality, and we will explore other means to make trolling activity unprofitable.

Our intellectual property system supports the creative and inventive talents of our citizens and provides the vital fuel of our economy. I hope others will join me in celebrating World IP Day.

#### AMERICA INVENTS ACT

Mr. SCHUMER. Mr. President, in September of 2011 this body debated and passed landmark patent legislation which was subsequently signed by the President and is now law.

The America Invents Act—AIA—updated, for the first time in many years, the way patents are issued and prosecuted, and in some instances the means by which businesses defend themselves against lawsuits filed by the ever-growing cottage industry of patent assertion entities.

The AIA made many important improvements to our patent law. But more needs to be done. Even in just the short time since the bill passed, the

problem of so-called “patent trolls” has continued to grow exponentially. In fact, patent trolls cost operating companies \$29 billion in 2011 alone. Many of these suits are the result of poor-quality patents being asserted by highly litigious parties against ordinary businesses, large and small, who are left with only unacceptable options: pay a costly licensing fee, settle a court case to avoid litigation costs, or expend millions in litigation fees in hope of prevailing at the end of the day in court.

This has been especially problematic in the universe of technology startups—a booming industry in New York in particular. These small businesses have everything going for them—good ideas, smart employees, and loyal customers. But they risk being entirely undercut by a clever patent troll who takes advantage of them in court. In fact, I have heard from businesses that actually had to fold as a result of a single poor-quality patent lawsuit. This is anathema not only to a pro-growth business culture, but also to the very principles of the intellectual property system.

I believe we can address this problem, and I believe there is a clear and simple way to do so; in fact, we have a model in Section 18 of the AIA. Section 18, the Schumer-Kyl provision, established a post grant review by the experts at the PTO of covered business method patents—the very patents which have been wreaking havoc in the courts and in boardrooms across the country. Section 18 allows a petitioner to request that the PTO review a covered patent and if they find it more likely than not to be invalid, to take a second look at it and return a decision promptly.

During debate of Section 18, I took the opportunity to make clear that District Courts should stay proceedings in patent cases if the PTO is reviewing the same patents because the PTO decision regarding the patent’s standing would prove dispositive in court and obviate the need for further court proceedings.

I am pleased to note that district judges have been giving deference to the legislative history and that in at least 2 cases, have stayed their proceedings pending a PTO decision. Section 18 is not only providing patent holders and accused infringers with an alternative to court, but judges are able to better manage their dockets through the use of this new post-grant proceeding.

In the approximately 6 months since the process authorized by Section 18 began, around 20 patents have been challenged through it at the PTO. And those cases are being considered at the PTO in a more cost-effective way than litigation.

It is apparent that Section 18 is working the way we intended; the only problem with it is that it is too limited in two respects: first, it was only authorized as a temporary program and

second the types of patents that are allowed to be considered under it are limited. For this reason, I will be introducing a bill when we return from recess to improve Section 18 by removing its temporary status and making more “likely invalid” business-method patents eligible for review. I look forward to working with Chairman LEAHY and my colleagues on the Judiciary Committee on legislation to improve further the patent granting and patent prosecution system. A great place to start is to make sure the experts at the PTO get a chance to review low-quality patents against relevant prior art so that they cannot be used as a weapon against legitimate business.

#### RECOGNIZING THE 30TH ANNIVERSARY OF THE MAUREEN AND MIKE MANSFIELD FOUNDATION

Mr. BAUCUS. Mr. President, Senator TESTER and I wish to recognize the 30th anniversary of the Maureen and Mike Mansfield Foundation.

Nearly 30 years ago Congress passed legislation authorizing funds for a foundation honoring Mike Mansfield. Mike was the pride of Montana, and represented the State in the U.S. Congress from his election to the House of Representatives in 1942 to his retirement from the Senate in 1977. Mike Mansfield once said he reached the height of his political aspirations when he was elected senator from Montana. Montanans remember him fondly as a national leader who put Montana first.

Mr. TESTER. Mr. President, respect and admiration for Mike Mansfield reached beyond his Montana roots to Washington, where he shaped the character of the modern Senate as the longest-serving Senate Majority Leader. It also reached across the Pacific, where he combined his voice of wisdom and sense of moderation with his love of Asian culture and became the longest-serving U.S. ambassador to Japan.

Mr. BAUCUS. Mike Mansfield was enamored with the Far East when he traveled there as a young United States Marine in the 1920s. This early experience shaped his outlook on the Pacific Basin and the world. He went on to teach East Asian history at the University of Montana, and was a leading expert on Asia while in Congress. He then continued his life of public service as U.S. Ambassador to Japan from 1977 to 1989. He and his wife Maureen shared a love for Asia and a commitment to building relationships that would support strong U.S.-Asia relations.

Mr. TESTER. The Mansfield Foundation has been committed to carrying out this mission since it was established in 1983. For the past 30 years, the Foundation has offered important opportunities for U.S. and Asian leaders in government and business to exchange views and build relationships that strengthen cooperation between our countries. These exchanges, policy dialogues, and research and education