

them in a clinical trial because of these budget cutbacks. Senator, which ones should I turn away?

That is why the decisions on cutting money should require more than just bragging rights of how much you cut. We should be thoughtful. We should not cut education and training; that is tomorrow's workforce. The Pell grants that are denied today stop children, young people from low-income families, from going to school and getting an education and being prepared for the workforce. The cutback in innovation and research we have seen here with this House budget goes too far. The idea that we cannot invest in basic infrastructure for America so our economy moves forward is so shortsighted.

Today, we are likely, by a strong bipartisan vote, to extend the budget of the U.S. Government for 2 weeks. In the meantime, we have to sit down and be honest, honest about reducing the deficit in a thoughtful way that does not cripple our economy, that does not kill basic research, that does not stop the job training and education we need for the workforce of the 21st century because, I will tell you this, if we don't think about it carefully, our competitors around the world, particularly the No. 2 economy in the world today—China—will have an opportunity for a toehold and an opportunity to move forward at the expense of American businesses and American workers.

In this recession, with 15 million Americans out of work, we cannot afford to make the wrong decision on our budget. We have to sit down and make the right decision, carefully cutting waste and inefficiency—and there is plenty of it—but not cutting the essential services of our government that will build our economy and give us a chance to succeed in the future.

Mark Zandi, who is with Moody's, has said that H.R. 1, the House budget, will literally kill 700,000 jobs in America. With 15 million Americans out of work, is that the best Congress can do? I don't think so. Let's be thoughtful about what we are going to do. Let's make sure we get this economy moving forward and creating good-paying jobs for Americans so we can walk into a store someday, pick up a product, flip it over, and smile when we read "Made in the U.S.A." Wouldn't that be a great thing to prepare for by spending our money, investing our resources today for the workforces and businesses of tomorrow?

THE CONTINUING RESOLUTION

Mr. INOUE. Madam President, this is the fifth time this fiscal year that I have urged the Senate to support a continuing resolution to keep the Federal Government running. CRs are inefficient and hamstringing our agencies and departments, especially the Department of Defense in a time of war. A CR funds programs that should be terminated and does not fund programs that need to be initiated. There is only one

advantage to a CR—it is better than the alternative, a government shutdown.

The House has proposed a 2-week continuing resolution, which would keep the government operating through March 18. The proposal includes \$4 billion in cuts, many of which were recommended by the President in his fiscal year 2012 budget request. Clearly, the 2-week extension in this CR does not provide sufficient time to hammer out a final agreement. At this point, however, it would appear that the only alternative is a government shutdown. This is an unacceptable outcome—the consequences for our economy and the American people would be severe. As a result, I have come to the reluctant conclusion that we should pass this extension quickly and send it to the President for his signature.

As things stand today, I believe that we will find ourselves in the same place 2 weeks from now. I am not optimistic that there will be sufficient time to work out a final deal that will pass the House and Senate prior to March 18. I hope I am wrong, but the reality is that the two Houses remain far apart and the negotiations will be long and intense. By accepting this extension, Senate Democrats have demonstrated a good faith effort to work with our House and Senate Republican counterparts on a reasonable compromise that will end the current budget stalemate. Let us hope that our colleagues on the other side of the aisle are willing to meet us half way as we move forward with these critical negotiations in the weeks to come.

Mr. LEVIN. Madam President, let us be clear about where we are. The legislation before us is designed to avoid a shutdown of the Federal Government. It would provide funding for a 2-week period while we continue to debate and negotiate funding levels for the rest of fiscal year 2011. The price its supporters want to exact for that 2-week respite is our agreement to major cuts in spending, without any attempt to address our deficit by closing tax loopholes.

I do not believe we should pay that price. Let me offer one example why. Under this continuing resolution, the Army Corps of Engineers' investigations budget—the funding for Army Corps studies of possible projects—would be reduced by 35 percent, for the whole year, not just this 2-week period. The Corps' construction budget would be reduced by 17 percent. What does that mean? It means that the Army Corps of Engineers, which already faces a huge backlog of necessary projects, would be deprived of a big chunk of the funding it needs to do its vital work, funding that was included in the President's budget for 2011.

This legislation exacts other big cuts. It reduces funding for surface transportation projects by \$293 million. We will not build needed roads and bridges—and we will not gain the jobs those projects would create—under

those cuts. We will also cut tens of millions of dollars from energy research projects at the very moment our Nation faces the urgent task of liberating ourselves from dependence on foreign oil. These cuts will damage our economy today, and they will damage our competitiveness tomorrow. They will do our country harm.

The new House Republican majority sent us those spending cuts while continuing big tax cuts for upper income taxpayers. Last year, when we approved the extension of those tax cuts, I opposed them. I did so because I feared that they would create such strain in the budget that some would argue for massive, damaging cuts in spending levels. The legislation before us is confirmation that those fears were justified. The cuts it would impose would do very little to reduce our budget deficit, while doing much to harm working Americans, and leave untouched one large cause of deficits, the unfair and unnecessary tax cuts for upper bracket Americans. In fact, the price of those tax cuts for upper bracket taxpayers, about \$30 billion a year, far exceeds the \$4 billion in spending cuts included in this bill. In other words, we could avoid draconian spending cuts if we do not continue the Bush tax cuts for the roughly one in 50 U.S. households with incomes above \$250,000 a year, households that have done very well in the last 10 years while the middle class has lost ground.

That is not a fair approach. I cannot agree to it, and I will vote against this continuing resolution.

I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.J. Res. 44, which the clerk will report by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 44) making further continuing appropriations for fiscal year 2011, and for other purposes.

The joint resolution was ordered to a third reading and was read the third time.

Mr. UDALL of New Mexico. Madam President, I ask for the yeas and nays. The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The question is on passage of the joint resolution.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 91, nays 9, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—91

Akaka	Enzi	Mikulski
Alexander	Feinstein	Moran
Ayotte	Franken	Murkowski
Barrasso	Gillibrand	Nelson (NE)
Baucus	Graham	Nelson (FL)
Begich	Grassley	Portman
Bennet	Hagan	Pryor
Bingaman	Hoeven	Reed
Blumenthal	Hutchison	Reid
Blunt	Inhofe	Roberts
Boozman	Inouye	Rockefeller
Boxer	Isakson	Rubio
Brown (MA)	Johanns	Schumer
Brown (OH)	Johnson (SD)	Sessions
Burr	Johnson (WI)	Shaheen
Cantwell	Kerry	Shelby
Cardin	Kirk	Snowe
Carper	Klobuchar	Stabenow
Casey	Kohl	Tester
Chambliss	Kyl	Thune
Coats	Landrieu	Toomey
Coburn	Lautenberg	Udall (CO)
Cochran	Leahy	Udall (NM)
Collins	Lieberman	Vitter
Conrad	Lugar	Warner
Coons	Manchin	Webb
Corker	McCaïn	Whitehouse
Cornyn	McCaskill	Wicker
DeMint	McConnell	Wyden
Durbin	Menendez	
Ensign	Merkley	

NAYS—9

Crapo	Lee	Paul
Harkin	Levin	Risch
Hatch	Murray	Sanders

The joint resolution (H.J. Res. 44) was passed.

Mr. LEAHY. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PATENT REFORM ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 23, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 23) to amend title 35, United States Code, to provide for patent reform.

Pending:

Leahy amendment No. 114, to improve the bill.

Bennet amendment No. 116, to reduce the fee amounts paid by small entities requesting prioritized examination under Three-Track Examination.

Bennet amendment No. 117, to establish additional USPTO satellite offices.

Lee amendment No. 115, to express the sense of the Senate in support of a balanced budget amendment to the Constitution.

Kirk-Pryor amendment No. 123, to provide a fast lane for small businesses within the U.S. Patent and Trademark Office to receive information and support regarding patent filing issues.

Menendez amendment No. 124, to provide for prioritized examination for technologies important to American competitiveness.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

(The remarks of Mrs. HUTCHISON are printed in today's RECORD under "Morning Business.")

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Madam President, yesterday, we were finally able to make progress when the Senate proceeded to a vote on the managers' amendment, the Leahy-Grassley-Kyl amendment, to the America Invents Act. That was a very important amendment, with contributions from many Senators from both sides of the aisle. It should ensure our moving forward to make the changes needed to unleash American innovation and create jobs without spending a single dollar of taxpayer money. In fact, according to the Congressional Budget Office, enactment of the bill will save millions of dollars.

I also thank those Senators who have stayed focused on our legislative effort, and who joined in tabling those amendments that have nothing to do with the subject of the America Invents Act. Extraneous amendments that have nothing to do with the important issue of reforming our out-of-date patent system so that American innovators can win the global competition for the future have no place in this important bill. They should not be used to slow its consideration and passage. If America is to win the global economic competition, we need the improvements in our patent system that this bill can bring.

I continue to believe, as I have said all week, that we can finish this bill today, and show the American people that the Senate can function in a bipartisan manner. We have not been as efficient as I would have liked. We have been delayed for hours at a time, and forced into extended quorum calls rather than being allowed to consider relevant amendments to this bill. Nonetheless, we are on the brink of disposing of the final amendments and passing this important legislation.

Today we should be able to adopt the Bennet amendment on satellite offices and the Kirk-Pryor amendment regarding the creation of an ombudsman for patents relating to small businesses. I hope that we can adopt the Menendez amendment on expediting patents for important areas of economic growth, like energy and the environment, as well. I am prepared to agree to short time agreements for additional debate, if needed, and votes on those amendments.

The remaining issue for the Senate to decide will be posed by an amendment that Senator FEINSTEIN has filed to turn back the advancement toward a first-inventor-to-file system.

I want to take a moment to talk about an important component of the America Invents Act, the transition of the American patent system to a first-inventor-to-file system. I said yesterday that the administration strongly supports this effort. The administra-

tion's Statement of Administration Policy notes that the reform to a first-inventor-to-file system "simplifies the process of acquiring rights" and describes it as an "essential provision [to] reduce legal costs, improve fairness and support U.S. innovators seeking to market their products and services in a global marketplace." I agree, and believe it should help small and independent inventors.

This reform has broad support from a diverse set of interests across the patent community, from life science and high-tech companies to universities and independent inventors. Despite the very recent efforts of a vocal minority, there can be no doubt that there is wide-ranging support for a move to a first-inventor-to-file patent system. A transition to first-inventor-to-file is necessary to fulfill the promises of higher quality patents and increased certainty that are the goals of the America Invents Act.

This improvement is backed by broad-based groups such as the National Association of Manufacturers, the American Intellectual Property Law Association, the Intellectual Property Owners Association, the American Bar Association, the Association for Competitive Technology, the Business Software Alliance, and the Coalition for 21st Century Patent Reform, among others. All of them agree that transitioning our outdated patent system to a first-inventor-to-file system is a crucial component to modernizing our patent system. I also commend the assistant Republican leader for his remarks yesterday strongly in favor of the first-inventor-to-file provisions.

A transition to a first-inventor-to-file system is needed to keep America at the pinnacle of innovation by ensuring efficiency and certainty in the patent system. This transition is also necessary to better equip the Patent and Trademark Office, PTO, to work through its current backlog of more than 700,000 unexamined patent applications through work-sharing agreements with other patent-granting offices.

The Director of the PTO often says that the next great invention that will drive our economic growth may be sitting in its backlog of applications. The time consuming "interference proceedings" that are commonplace in our current, outdated system are wasting valuable resources that contribute to this delay, and unfairly advantage large companies with greater resources.

A transition to a first-inventor-to-file system was recommended in the 2004 Report by the National Academy of Sciences. The transition has been a part of this bill since its introduction four Congresses ago. This legislation is the product of eight Senate hearings and three markups spanning weeks of consideration and many amendments. Until very recently, first-inventor-to-file had never been the subject of even a single amendment in committee.