

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 9—SUPPORTING THE GOALS AND IDEALS OF THE DESIGNATION OF THE YEAR OF 2011 AS THE INTERNATIONAL YEAR FOR PEOPLE OF AFRICAN DESCENT

Mr. CARDIN (for himself and Mr. WICKER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. CON RES. 9

Whereas United Nations Resolution 64/169, adopted by the General Assembly on December 18, 2009, designates the year 2011 as the “International Year for People of African Descent”;

Whereas the African Diaspora is expansive, spanning across the globe from Latin America and the Caribbean to Asia, with persons of African descent living on every continent, including Europe;

Whereas the historical bonds and shared experiences that tie the African continent with the world must be recalled;

Whereas the global contributions of people of African descent must be recognized as a means of preserving that heritage;

Whereas the General Assembly of the United Nations adopted Resolution 64/169 with a view to strengthening national actions and regional and international cooperation for the benefit of people of African descent in relation to—

(1) the full enjoyment of economic, cultural, social, civil, and political rights for people of African descent;

(2) the participation and integration of people of African descent in all political, economic, social, and cultural aspects of society; and

(3) the promotion of greater knowledge of, and respect for, the diverse heritage and culture of people of African descent; and

Whereas the Helsinki Final Act resulting from the Conference on Security and Cooperation in Europe in 1975 states that “participating States will respect human rights and fundamental freedoms (. . .) for all without distinction as to race, sex, language, or religion.”; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of the designation of the year of 2011 as the International Year for People of African Descent;

(2) encourages the recognition and celebration of the collective history and achievements made by people of African descent;

(3) reaffirms the importance of inclusion and the full and equal participation of people of African descent around the world in all aspects of political, economic, social, and cultural life;

(4) continues to support bilateral and multilateral efforts to promote democracy, human rights, the rule of law, and the eradication of poverty, hunger, inequality, and social exclusion; and

(5) reaffirms the commitment of Congress to address racism, discrimination, and intolerance in the United States and around the globe.

Mr. CARDIN. Mr. President, I rise today at the close of Black History Month to introduce this concurrent resolution that supports the continued recognition of persons of African descent throughout the year both here and abroad. This resolution commemorates the United Nations designation of 2011 as the International Year for Peo-

ple of African Descent such that we can continue to honor and recognize the contributions of African-Americans and others to our societies beyond Black History Month.

On December 10, 2010, Secretary General Ban Ki-moon launched the International Year for People of African Descent to “promote greater awareness of and respect for the diverse heritage and culture of people of African descent.”

We should view this year not only as an opportunity to celebrate the diversity of our societies, but also to honor the vast contributions persons of African descent make every day to the economic, social and political fabric of our communities—be they in Africa, Latin America, Europe, or right here at home in the United States.

It is also necessary that we recognize the global impact of the slave trade. As Secretary Hillary Clinton noted in her recognition of this year, “[this is a time] to remember our hemisphere’s shameful history of slavery and to reaffirm our commitment to eradicate racism and reduce inequality wherever it lingers.”

All too often, persons of African descent in this country and abroad face discrimination and disadvantage. We must not only do more at home, but also partner with others around the globe to address these problems.

In the Senate, I have led efforts to strengthen the civil rights of African-Americans and others from hate crimes prevention to voting rights. As Co-Chairman of the Helsinki Commission, I have worked to support the ideals enshrined in the 1975 Helsinki Final Act to “respect human rights and fundamental freedoms . . . for all without distinction as to race, sex, language, or religion.”

This has included supporting efforts to raise awareness of the specific situation of the estimated seven to nine million persons of African descent in Europe following increased incidents of hate crimes, racial profiling, and other forms of discrimination amidst economic crisis, national security, and immigration concerns.

As we mark the International Year for People of African Descent, I ask that you join me in my work promoting equality, opportunity, understanding, and respect at home and around the world.

AMENDMENTS SUBMITTED AND PROPOSED

SA 133. Mrs. FEINSTEIN (for herself, Mr. RISCH, Mr. REID of Nevada, Mr. CRAPO, Mrs. BOXER, and Mr. ENSIGN) submitted an amendment intended to be proposed by her to the bill S. 23, to amend title 35, United States Code, to provide for patent reform.

SA 134. Mr. ROCKEFELLER (for himself, Mrs. SHAHEEN, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 23, supra; which was ordered to lie on the table.

SA 135. Ms. COLLINS (for herself and Mr. ALEXANDER) submitted an amendment intended to be proposed by her to the bill S. 23,

“(vi) a State, Tribal, or Territorial domestic violence or sexual assault coalition; and

“(B) the entity demonstrates that the entity is a part of a multidisciplinary partnership that includes, at a minimum—

“(i) a law enforcement agency;

“(ii) a prosecutor’s office;

“(iii) a victim service provider; and

“(iv) a nonprofit program or government agency with demonstrated experience in assisting individuals in later life.

“(4) UNDERSERVED POPULATIONS.—In making grants under this section, the Attorney General shall give priority to proposals providing population-specific services to racial and ethnic minorities and other underserved populations.

“(5) AUTHORIZATION OF APPROPRIATIONS.—

“(A) IN GENERAL.—There are authorized to be appropriated to carry out this subsection \$10,000,000 for each of fiscal years 2012 through 2016.

“(B) REQUIREMENT.—Amounts appropriated pursuant to subparagraph (A) shall remain available until expended and may only be used for the activities described in this subsection.

“(C) ALLOCATION OF FUNDS.—

“(i) ADMINISTRATIVE COSTS.—Of the amount appropriated pursuant to subparagraph (A) in each fiscal year, the Attorney General may use not more than 2.5 percent for administration and monitoring of grants made under this subsection.

“(ii) EVALUATION.—Of the amount appropriated pursuant to subparagraph (A) in each fiscal year the Attorney General may use not more than 5 percent for contracts or cooperative agreements with entities with demonstrated expertise in program evaluation, to evaluate programs under this subsection.

“(d) RESEARCH.—

“(1) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall conduct research to promote understanding of, prevention of, and response to abuse in later life, including domestic violence, sexual abuse, dating violence, stalking, exploitation, and neglect.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out paragraph (1) \$3,000,000 for each of fiscal years 2012 through 2016.”

(b) DEFINITION.—Section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)) is amended—

(1) by striking paragraph (9);

(2) by redesignating paragraphs (1) through (8) as paragraphs (2) through (9), respectively; and

(3) by inserting before paragraph (2), as redesignated, the following:

“(1) ABUSE IN LATER LIFE.—The term ‘abuse in later life’ means any action against a person who is 50 years of age or older that constitutes the willful—

“(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or

“(B) deprivation by a person, including a caregiver, of goods or services with intent to cause physical harm, mental anguish, or mental illness.”.

(c) TECHNICAL AND CONFORMING CORRECTION.—The table of contents in section 2 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 1796) is amended in the table of contents by inserting after the item relating to section 40703 the following:

“Subtitle H — Enhanced Training and Services to End Abuse Later in Life

“Sec. 40801. Enhance training and services to end abuse later in life.”.

supra; which was ordered to lie on the table.

SA 136. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 23, supra; which was ordered to lie on the table.

SA 137. Ms. LANDRIEU (for herself and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 117 proposed by Mr. BENNET (for himself and Mr. UDALL of Colorado) to the bill S. 23, supra; which was ordered to lie on the table.

SA 138. Mr. BROWN of Ohio (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 23, supra; which was ordered to lie on the table.

SA 139. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 23, supra; which was ordered to lie on the table.

SA 140. Mrs. BOXER (for herself and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by her to the bill S. 23, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 133. Mrs. FEINSTEIN (for herself, Mr. RISCH, Mr. REID of Nevada, Mr. CRAPO, Mrs. BOXER, and Mr. ENSIGN) submitted an amendment intended to be proposed by her to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; as follows:

On page 2, line 1, strike "**FIRST INVENTOR TO FILE.**" and insert "**FALSE MARKING.**"

On page 2, strike line 2 and all that follows through page 16, line 4.

On page 16, line 5, strike "(1) IN GENERAL.—" and insert "(a) IN GENERAL.—" and move 2 ems to the left.

On page 16, line 7, strike "(A)" and insert "(1)" and move 2 ems to the left.

On page 16, line 11, strike "(B)" and insert "(2)" and move 2 ems to the left.

On page 16, line 18, strike "(2) EFFECTIVE DATE.—" and insert "(b) EFFECTIVE DATE.—" and move 2 ems to the left.

On page 16, line 19, strike "subsection" and insert "section".

On page 16, strike line 22 and all that follows through page 23, line 2.

On page 23, strike line 3 and all that follows through page 31, line 15, and renumber sections accordingly.

On page 64, strike line 18 and all that follows through page 65, line 17.

On page 69, line 10, strike "derivation" and insert "interference".

On page 69, line 14, strike "derivation" and insert "interference".

On page 71, line 9, strike "DERIVATION" and insert "INTERFERENCE".

On page 71, lines 9 and 10, strike "derivation" and insert "interference".

On page 71, line 14, strike "derivation" and insert "interference".

On page 72, line 3, strike "derivation" and insert "interference".

On page 72, line 8, strike "derivation" and insert "interference".

On page 73, line 1, strike "derivation" and insert "interference".

On page 73, between lines 5 and 6, insert the following:

(d) CONFORMING AMENDMENTS.—Sections 41, 134, 145, 146, 154, 305, and 314 of title 35, United States Code, are each amended by striking "Board of Patent Appeals and Interferences" each place that term appears and inserting "Patent Trial and Appeal Board".

On page 73, line 6, strike "(d)" and insert "(e)".

On page 93, strike lines 6 through 8, and insert the following: by inserting "(other than

the requirement to disclose the best mode)" after "section 112 of this title".

On page 98, strike lines 20 and 21, and insert the following:

SEC. 17. EFFECTIVE DATE.

Except as otherwise provided

On page 99, strike lines 1 through 14.

SA 134. Mr. ROCKEFELLER (for himself, Mrs. SHAHEEN, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

After section 17, insert the following:

SEC. 18. PROHIBITION OF AUTHORIZED GENERICS.

(a) PROHIBITION OF AUTHORIZED GENERICS.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following:

"(w) PROHIBITION OF AUTHORIZED GENERIC DRUGS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act, no holder of a new drug application approved under subsection (c) shall manufacture, market, sell, or distribute an authorized generic drug, directly or indirectly, or authorize any other person to manufacture, market, sell, or distribute an authorized generic drug.

"(2) AUTHORIZED GENERIC DRUG.—For purposes of this subsection, the term 'authorized generic drug'—

"(A) means any version of a listed drug (as such term is used in subsection (j)) that the holder of the new drug application approved under subsection (c) for that listed drug seeks to commence marketing, selling, or distributing, directly or indirectly, after receipt of a notice sent pursuant to subsection (j)(2)(B) with respect to that listed drug; and

"(B) does not include any drug to be marketed, sold, or distributed—

"(i) by an entity eligible for 180-day exclusivity with respect to such drug under subsection (j)(5)(B)(iv); or

"(ii) after expiration or forfeiture of any 180-day exclusivity with respect to such drug under such subsection (j)(5)(B)(iv)."

(b) CONFORMING AMENDMENT.—Section 505(t)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(t)(3)) is amended by striking "In this section" and inserting "In this subsection".

SA 135. Ms. COLLINS (for herself and Mr. ALEXANDER) submitted an amendment intended to be proposed by her to the bill S. 23, 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. . REFERENCES.

Except as expressly provided otherwise, any reference to "this Act" contained in division A of this Act shall be treated as referring only to the provisions of that division.

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2011

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2011, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities,

permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$41,042,653,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$25,912,449,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$13,210,161,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$27,105,755,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$4,333,165,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve