

and second times by unanimous consent, and referred as indicated:

By Mr. PRYOR:

S. 491. A bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DEMINT (for himself and Mr. COBURN):

S. 492. A bill to amend the Communications Act of 1934 to prohibit Federal funding for the Corporation for Public Broadcasting after fiscal year 2013; to the Committee on Commerce, Science, and Transportation.

By Ms. LANDRIEU (for herself, Ms. SNOWE, Mr. KERRY, Mr. BROWN of Massachusetts, Mrs. SHAHEEN, Ms. AYOTTE, Mr. CARDIN, Mr. PRYOR, and Mr. LEVIN):

S. 493. A bill to reauthorize and improve the SBIR and STTR programs, and for other purposes; to the Committee on Small Business and Entrepreneurship.

ADDITIONAL COSPONSORS

S. 33

At the request of Mr. LIEBERMAN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 33, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 69

At the request of Mr. TESTER, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 69, a bill to amend the Consumer Product Safety Improvement Act of 2008 to exclude secondary sales, repair services, and certain vehicles from the ban on lead in children's products, and for other purposes.

S. 424

At the request of Mr. SCHUMER, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 424, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 480

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 480, a bill to temporarily expand the V nonimmigrant visa category to include Haitians whose petition for a family-sponsored immigrant visa was approved on or before January 12, 2010.

S. RES. 87

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. Res. 87, a resolution designating the year of 2012 as the "International Year of Cooperatives".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU (for herself, Ms. SNOWE, Mr. KERRY, Mr. BROWN of Massachusetts, Mrs.

SHAHEEN, Ms. AYOTTE, Mr. CARDIN, Mr. PRYOR, and Mr. LEVIN):

S. 493. A bill to reauthorize and improve the SBIR and STTR programs, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today to introduce legislation with my colleague and chair of the Senate Committee on Small Business and Entrepreneurship, Senator LANDRIEU, to reauthorize the critical Small Business Innovation Research, SBIR, and Small Business Technology Transfer, STTR, Programs. We are joined by Senators JOHN KERRY, SCOTT BROWN, JEANNE SHAHEEN, KELLY AYOTTE, BEN CARDIN, MARK PRYOR, and CARL LEVIN. Frankly, after nearly 6 years of debate and discussion, it is well past time for us to pass this legislation and set these programs on a path of certainty.

Our Nation's economic recovery is being suppressed by an inflated unemployment rate—which has been at or above 9 percent for 21 consecutive months—and, as a result, a small business community that remains uncertain about the future and unable to invest in their businesses and hire new workers. They are looking for market-based ways to create jobs with limited government intervention and unleash their innovative potential. That is why I am excited about reauthorizing the SBIR and STTR programs, which foster an environment of innovative entrepreneurship by directing more than \$2 billion annually in Federal research and development, R&D, funding to the Nation's small firms that are most likely to create jobs and commercialize their products.

Small businesses are our Nation's job generators, employing more than half of all private sector employees and creating 64 percent of the net new jobs over the past 15 years. Furthermore, small businesses are our Nation's most effective innovators, producing roughly 13 times more patents per employee than large firms—patents which are at least two times as likely to be among the top 1 percent of high-impact patents. In a budgetary environment where the Small Business Administration, SBA, will be required to do more with less funding, it is crucial that the SBIR and STTR programs—one of the strongest examples of a successful public-private partnership—be a key part of the Agency's job creation agenda.

These programs have been front and center in improving our Nation's capacity to innovate. According to a report by the Information Technology and Innovation Foundation, SBIR-backed firms have been responsible for roughly 25 percent of the Nation's most crucial innovations over the past decade plus—"a powerful indication that the SBIR program has become a key force in the innovation economy of the United States."

Regrettably, SBIR and STTR expired in September 2008, and it has been subject

to a series of 10 short-term, temporary extensions since then, plaguing the programs with uncertainty and potentially dissuading some of our Nation's most promising firms from participating in them. That is why Chair LANDRIEU and I introduced the SBIR-STTR Reauthorization Act, S. 4053, at the end of last Congress after extensive negotiation and debate. This bill—which passed the Senate unanimously in December—is virtually the same legislation we are introducing today. It would reauthorize the programs for 8 years, while making critical improvements, such as increasing the allocation for SBIR from 2.5 percent of an agency's extramural research and development, R&D, budget to 3.5 percent over 10 years, and doubling the STTR allocation from 0.3 percent over 6 years. Our legislation would also codify increased award sizes of \$150,000 for phase I and \$1 million for phase II in the SBIR program, and apply those levels to the STTR program as well.

Our bill includes stringent oversight and fraud prevention measures, requiring inspectors general of participating Federal agencies to establish fraud detection measures, coordinate fraud-related information sharing between agencies, and provide fraud prevention related education and training to agencies administering the program, among other initiatives.

The SBIR-STTR Reauthorization Act also includes an unprecedented compromise on the "venture capital" issue, which has long bogged down any serious progress in reauthorizing these valuable programs. It would make firms majority owned and controlled by multiple venture capital companies eligible for up to 25 percent of SBIR funds at the National Institutes of Health, National Science Foundation, and Department of Energy, and up to 15 percent of the funds at the remaining eight participating SBIR agencies. Our compromise has the backing of diverse stakeholders from the U.S. Chamber of Commerce, National Federation of Independent Business, NFIB, and Small Business Technology Council, SBTC, to the Biotechnology Industry Organization, BIO, and the National Venture Capital Association, NVCA.

So I look forward to ensuring that this will be the Congress to once and for all reauthorize these critical nationwide programs, and I am confident that the SBIR-STTR Reauthorization Act is the best way for us to get us there.

AMENDMENTS SUBMITTED AND PROPOSED

SA 146. Mr. PRYOR 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.

SA 147. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 23, supra; which was ordered to lie on the table.

SA 148. Mr. PRYOR submitted an amendment intended to be proposed by him to the

bill S. 23, supra; which was ordered to lie on the table.

SA 149. Mr. INOUE submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table.

SA 150. Mr. ROCKEFELLER 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.

SA 151. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 23, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 146. Mr. PRYOR 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:

At the end of the bill, insert the following:
SEC. ____ . CLARIFICATION OF APPLICABILITY OF TRANSITIONAL PROGRAM FOR COVERED BUSINESS-METHOD PATENTS.

Notwithstanding any other provision of this Act, the regulations issued pursuant to section 18(b)(1) (relating to the transitional program for covered business-method patents), shall not apply to any covered business-method patent issued before the date of enactment of this Act.

SA 147. Mr. PRYOR 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:

At the end of the bill, insert the following:
SEC. ____ . CLARIFICATION OF APPLICABILITY OF TRANSITIONAL PROGRAM FOR COVERED BUSINESS-METHOD PATENTS.

Notwithstanding any other provision of this Act, the regulations issued pursuant to section 18(b)(1) (relating to the transitional program for covered business-method patents), shall not apply to any patent that—

(1) has already completed an ex parte or inter partes reexamination by the United States Patent and Trademark Office as of the date of enactment of this Act; or

(2) has already been the subject of a jury verdict of validity or invalidity as of the date of enactment of this Act.

SA 148. Mr. PRYOR 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:

At the end of the bill, insert the following:
SEC. ____ . CLARIFICATION OF APPLICABILITY OF TRANSITIONAL PROGRAM FOR COVERED BUSINESS-METHOD PATENTS.

Notwithstanding any other provision of this Act, the regulations issued pursuant to section 18(b)(1) (relating to the transitional program for covered business-method patents), shall not apply to any patent that—

(1) has already completed an ex parte or inter partes reexamination by the United States Patent and Trademark Office as of the date of enactment of this Act;

(2) has already been the subject of a jury verdict of validity or invalidity as of the date of enactment of this Act; or

(3) is the subject of a lawsuit alleging infringement of a patent that is pending as of the date of enactment of this Act.

SA 149. Mr. INOUE submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert:

SECTION 1. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2011

- Title I—Military Personnel
- Title II—Operation and Maintenance
- Title III—Procurement
- Title IV—Research, Development, Test and Evaluation
- Title V—Revolving and Management Funds
- Title VI—Other Department of Defense Programs
- Title VII—Related agencies
- Title VIII—General provisions
- Title IX—Overseas contingency operations

DIVISION B—FULL-YEAR CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2011

- Title I—General Provisions
- Title II—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies
- Title III—Commerce, Justice, Science, and Related Agencies
- Title IV—Energy and Water Development and Related Agencies
- Title V—Financial Services and General Government
- Title VI—Homeland Security
- Title VII—Interior, Environment, and Related Agencies
- Title VIII—Labor, Health and Human Services, and Education, and Related Agencies
- Title IX—Legislative Branch
- Title X—Military Construction, Veterans Affairs, and Related Agencies
- Title XI—Department of State, Foreign Operations, and Related Programs
- Title VII—Transportation, and Housing and Urban Development, and Related Agencies

SEC. 2. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in any division 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 training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,940,191,000.