

AMENDMENT NO. _____ Calendar No. _____

Purpose: To increase the amount in certain funding agreements relating to patents and nonprofit organizations to be used for scientific research, development, and education, and to reauthorize and modify the Patent and Trademark Office travel expenses test program.

IN THE SENATE OF THE UNITED STATES—111th Cong., 1st Sess.

S. 515

To amend title 35, United States Code, to provide for patent reform.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. LEAHY

Viz:

1 On page 66, between lines 6 and 7, insert the fol-
2 lowing:

3 **SEC. 12. FUNDING AGREEMENTS.**

4 Section 202(c)(7)(E)(i) of title 35, United States
5 Code, is amended—

6 (1) by striking “75 percent” and inserting “15
7 percent”; and

1 (2) by striking “25 percent” and inserting “85
2 percent”.

3 **SEC. 13. PATENT AND TRADEMARK OFFICE TRAVEL EX-**
4 **PENSES TEST PROGRAM.**

5 (a) IN GENERAL.—Section 5710 of title 5, United
6 States Code, is amended—

7 (1) in subsection (a)(1), by striking “for a pe-
8 riod not to exceed 24 months”; and

9 (2) by striking subsection (e) and inserting the
10 following:

11 “(e)(1) The Patent and Trademark Office shall con-
12 duct a test program under this section.

13 “(2) In conducting the program under this sub-
14 section, the Patent and Trademark Office may pay any
15 travel expenses of an employee for travel to and from a
16 Patent and Trademark Office worksite, if—

17 “(A) the employee is employed at a Patent and
18 Trademark Office worksite and enters into an ap-
19 proved telework arrangement;

20 “(B) the employee requests to telework from a
21 location beyond the local commuting area of the Pat-
22 ent and Trademark Office worksite; and

23 “(C) the Patent and Trademark Office ap-
24 proves the requested arrangement for reasons of em-
25 ployee convenience instead of an agency need for the

1 employee to relocate in order to perform duties spe-
2 cific to the new location.

3 “(3)(A) The Patent and Trademark Office shall es-
4 tablish an oversight committee comprising an equal num-
5 ber of members representing management and labor, in-
6 cluding representatives from each collective bargaining
7 unit.

8 “(B) The oversight committee shall develop the oper-
9 ating procedures for the program under this subsection
10 to—

11 “(i) provide for the effective and appropriate
12 functioning of the program; and

13 “(ii) ensure that—

14 “(I) reasonable technological or other al-
15 ternatives to employee travel are used before re-
16 quiring employee travel, including teleconfer-
17 encing, videoconferencing or internet-based
18 technologies;

19 “(II) the program is applied consistently
20 and equitably throughout the Patent and
21 Trademark Office; and

22 “(III) an optimal operating standard is de-
23 veloped and implemented for maximizing the
24 use of the telework arrangement described
25 under paragraph (2) while minimizing agency

1 travel expenses and employee travel require-
2 ments.

3 “(4)(A) The test program under this subsection shall
4 be designed to enhance cost savings or other efficiencies
5 that accrue to the Government.

6 “(B) The Director of the Patent and Trademark Of-
7 fice shall—

8 “(i) prepare an analysis of the expected
9 costs and benefits and a set of criteria for eval-
10 uating the effectiveness of the program; and

11 “(ii) before the test program is imple-
12 mented, submit the analysis and criteria to the
13 Administrator of General Services and to the
14 appropriate committees of Congress.

15 “(C) With respect to an employee of the Patent and
16 Trademark Office who voluntarily relocates from the pre-
17 existing duty station of that employee, the operating pro-
18 cedures of the program may include a reasonable max-
19 imum number of occasional visits to the pre-existing duty
20 station before that employee is eligible for payment of any
21 accrued travel expenses by the Office.

22 “(D)(i) Not later than 3 months after completion of
23 the test program under this subsection, the Director of
24 the Patent and Trademark Office shall provide a report
25 on the results of the program to the Administrator of Gen-

1 eral Services and to the appropriate committees of Con-
2 gress.

3 “(ii) The results in the report described under para-
4 graph (1) may include—

5 “(I) the number of visits an employee makes to
6 the pre-existing duty station of that employee;

7 “(II) the travel expenses paid by the Office;

8 “(III) the travel expenses paid by the employee;

9 or

10 “(IV) any other information that the Director
11 determines may be useful to aid the Administrator
12 and Congress in understanding the test program and
13 the impact of the program.

14 “(E) In this paragraph, the term ‘appropriate com-
15 mittees of Congress’ means—

16 “(i) the Committees on Homeland Security and
17 Governmental Affairs and on the Judiciary of the
18 Senate; and

19 “(ii) the Committees on Government Oversight
20 and Reform and on the Judiciary of the House of
21 Representatives.

22 “(f)(1) Except as provided under paragraph (2), the
23 authority to conduct test programs under this section shall
24 expire 7 years after the date of the enactment of the Trav-
25 el and Transportation Reform Act of 1998.

1 “(2) The authority to conduct a test program by the
2 Patent and Trademark Office under this section shall ex-
3 pire 20 years after the date of the enactment of the Travel
4 and Transportation Reform Act of 1998.”.

5 (b) **EFFECTIVE DATE.**—The amendments made by
6 this section shall take effect as though enacted as part
7 of the Travel and Transportation Reform Act of 1998
8 (Public Law 105–264; 112 Stat. 2350).

9 On page 66, line 7, strike “**SEC. 12.**” and insert
10 “**SEC. 14.**”.

11 On page 69, line 3, strike “**SEC. 13.**” and insert
12 “**SEC. 15.**”.

13 On page 69, line 23, strike “**SEC. 14.**” and insert
14 “**SEC. 16.**”.