

proceed to the immediate consideration of S. Res. 540 submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 540) honoring the entrepreneurial spirit of small business in the United States during "National Small Business Week," beginning May 23, 2010.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 540) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 540

Whereas the approximately 29,600,000 small businesses in the United States are the driving force behind the economy of the Nation, creating more than 64 percent of all net new jobs and generating more than 50 percent of the non-farm gross domestic product of the Nation;

Whereas small businesses will play an integral role in rebuilding the economy of the Nation;

Whereas small businesses are the Nation's innovators, producing 13 times more patents per employee as large firms, and advancing technology and productivity;

Whereas only 1 percent of all small businesses export and produce 31 percent of exported goods;

Whereas Congress established the Small Business Administration in 1953 to aid, counsel, assist, and protect the interests of small businesses in order to preserve free and competitive enterprise, to ensure that a fair proportion of the total purchases, contracts, and subcontracts for property and services for the Federal Government are placed with small businesses, to make certain that a fair proportion of the total sales of Federal Government property are made to such small businesses, and to maintain and strengthen the overall economy of the Nation;

Whereas every year since 1963 the President of the United States has proclaimed a National Small Business Week to recognize the contributions of small businesses to the economic well-being of the United States;

Whereas in 2010, "National Small Business Week" will honor the estimated 29,600,000 small businesses in the United States;

Whereas the Small Business Administration has helped small businesses with access to critical lending opportunities, protected small businesses from excessive Federal regulatory enforcement, played a key role in ensuring full and open competition for government contracts, and improved the economic environment in which small business concerns compete;

Whereas for more than 50 years, the Small Business Administration has helped millions of entrepreneurs achieve the American dream of owning a small business and has played a key role in fostering economic growth; and

Whereas the President has designated the week beginning May 23, 2010, as "National Small Business Week": Now, therefore, be it Resolved, That the Senate—

(1) honors the entrepreneurial spirit of small businesses in the United States during "National Small Business Week", beginning May 23, 2010;

(2) applauds the efforts and achievements of the owners of small businesses and their employees, whose hard work and commitment to excellence have made them a key part of the economic vitality of the Nation;

(3) recognizes the work of the Small Business Administration and its resource partners in providing assistance to entrepreneurs and small businesses; and

(4) recognizes the importance of ensuring that—

(A) the applicable procurement goals for small businesses, including the goals for small businesses owned and controlled by service-disabled veterans, small businesses owned and controlled by women, HUBZone small businesses, and socially and economically disadvantaged small businesses, are reached by all Federal agencies;

(B) guaranteed loans and microloans for start-up and growing small businesses, are made available to all qualified small businesses;

(C) the management assistance programs delivered by resource partners on behalf of the Small Business Administration, such as Small Business Development Centers, Women's Business Centers, Veterans Business Outreach Centers, and the Service Corps of Retired Executives, are provided with the Federal resources necessary to provide small businesses the technical assistance and counseling that they desperately need;

(D) small business disaster assistance through the Small Business Administration is provided in a timely and efficient manner;

(E) Federal tax policy spurs small business growth, creates jobs, and increases competitiveness;

(F) the Federal Government reduces the regulatory compliance burden on small businesses;

(G) advanced technology policy facilitates access to affordable broadband Internet service to foster rural small business growth; and

(H) systems of intellectual property protection continues to foster small business innovation.

ORDERS FOR THURSDAY, MAY 27, 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 9:30 a.m. on Thursday, May 27; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 4899, as provided for under the previous order; further, I ask that the filing deadline for second degree amendments be 11 a.m. tomorrow.

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

PROGRAM

Mr. DURBIN. Mr. President, tonight we were able to reach an agreement that would provide for a series of up to seven rollcall votes beginning at approximately 10 a.m. tomorrow morning.

ORDER FOR RECESS

Mr. DURBIN. Mr. President, if there is no further business coming before the Senate, I ask unanimous consent that it recess under the previous order, following the remarks of Senator KERRY.

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

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

PATENT TERM RESTORATION

Mr. KERRY. Mr. President, I wish to send an amendment to the desk for the purpose of filing at a later time, if it is appropriate. Can they simply hold it at the desk?

The PRESIDING OFFICER. The amendment can be received at the desk.

Mr. KERRY. Mr. President, the amendment I have sent to the desk is an amendment that is very important. It is important to us in Massachusetts, but it is also important to a certain number of companies in this country that may find themselves in a similar situation.

I wish to express my strong support on the Senate floor tonight for the inclusion of this amendment in the upcoming House tax extenders bill. The purpose of this amendment is to fix a complete anomaly in the patent law that is vital to our State. Let me explain.

The House provision that is being contemplated will allow for a patent application to be filed up to 30 days late, with a penalty to be paid by the filer to the Patent and Trademark Office. This provision has been drafted so that it can be included in the tax extenders bill. Let me explain why this is important and what it does.

The Medicines Company, which is a New Jersey startup company, licensed Angiomax. That is the name of the product. It is a synthetic blood thinner. That company invested \$200 million in R&D, and it gained FDA approval for this product.

In 2001, the Angiomax's patent term restoration application was unintentionally filed after the close of business on the day of the filing deadline. It was filed electronically. Because it was filed electronically on the day of the deadline beyond the close of business in the office, in terms of daytime presence, it was deemed to be filed 1 day late. It was ruled as being filed 1 day late by the Patent and Trademark Office subsequently.

I remember when I was in law school, people taught me often that sometimes