

H. Res. ____

H.R. 2021 - Jobs and Energy Permitting Act of 2011

H.R. 1249 - America Invents Act

1. Structured rule for H.R. 2021.
2. Provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce.
3. Waives all points of order against consideration of H.R. 2021.
4. Provides that H.R. 2021 shall be considered as read.
5. Waives all points of order against provisions in H.R. 2021.
6. Makes in order only those amendments to H.R. 2021 printed in Part A of the Rules Committee report accompanying the resolution. Provides that each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.
7. Waives all points of order against the amendments printed in Part A of the report.
8. Provides one motion to recommit H.R. 2021 with or without instructions.
9. Structured rule for H.R. 1249.
10. Provides for 20 minutes of initial debate confined to the question of constitutionality of the bill equally divided and controlled by Representative Smith (R-TX) and Representative Kaptur (D-OH) or their designees.
11. Provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary.
12. Waives all points of order against consideration of H.R. 1249.
13. Makes in order the amendment in the nature of a substitute

recommended by the Committee on the Judiciary now printed in the bill as an original bill for purpose of amendment, which shall be considered as read.

14. Waives all points of order against the committee amendment in the nature of a substitute.
15. Makes in order only those amendments to H.R. 1249 printed in Part B of the Rules Committee report accompanying the resolution. Provides that each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.
16. Waives all points of order against the amendments printed in Part B of the report.
17. Provides one motion to recommit H.R. 1249 with or without instructions.
18. Provides that upon receipt of a message from the Senate transmitting H.R. 1249 with a Senate amendment or amendments thereto, it shall be in order to consider in the House a single motion offered by the chair of the Committee on the Judiciary or his designee that the House disagree to the Senate amendment or amendments and request or agree to a conference with the Senate thereon.
19. Waives all points of order against the motion.
20. Provides one hour of debate on the motion equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary.

RESOLUTION

Resolved, that at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2021) to amend the Clean Air Act regarding air pollution from Outer Continental Shelf activities. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. No amendment to the bill shall be in order except

those printed in part A of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Sec. 2. At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1249) to amend title 35, United States Code, to provide for patent reform. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. An initial period of general debate shall be confined to the question of the constitutionality of the bill and shall not exceed 20 minutes equally divided and controlled by Representative Smith of Texas and Representative Kaptur of Ohio or their respective designees. A subsequent period of general debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without

instructions.

Sec. 3. Upon receipt of a message from the Senate transmitting H.R. 1249 with a Senate amendment or amendments thereto, it shall be in order to consider in the House without intervention of any point of order a single motion offered by the chair of the Committee on the Judiciary or his designee that the House disagree to the Senate amendment or amendments and request or agree to a conference with the Senate thereon. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The previous question shall be considered as ordered on the motion to its adoption without intervening motion or demand for division of the question.

**PART A: SUMMARY OF AMENDMENTS PROPOSED TO BE MADE IN ORDER TO
H.R. 2021**

(summaries derived from information provided by sponsors)

Sponsor	# Description	Debate Time
1. Speier (CA)	#2 Would strike section 2 of H.R. 2021.	(10 minutes)
2. Hastings, Alcee (FL)	#6 Would direct emission sources from the Outer Continental Shelf (OCS) to title I of the Clean Air Act, ensuring that the vessels often responsible for the majority of the OCS's emission sources are not left unregulated.	(10 minutes)
3. Welch (VT)	#17 Would require all permit applications to include data on federal oil subsidies received by the company applying for the permit.	(10 minutes)
4. Keating (MA)	#20 (LATE) Would require that all completed applications include data on bonuses provided to the executives of the applicant from the most recent quarter.	(10 minutes)
5. Rush (IL)	#21 (LATE) Would allow the Administrator to provide additional 30-day extensions if the Administrator determines that such time is necessary to meet the requirements of this section, to provide adequate time for public participation, or to ensure sufficient involvement by one or more affected States.	(10 minutes)

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| 6. Quigley (IL) | #9 Would strike underlying text that eliminates the ability of the Environmental Appeals Board (EAB) to remand or deny the issuance of Clean Air Act permits for offshore energy exploration and extraction. (10 minutes) |
| Eshoo (CA) | #10 Would preserve access to local courts by striking a provision which requires permit decisions to be litigated in the DC Circuit in Washington D.C. |
| 8. Capps (CA),
Carney (DE),
Castor (FL) | #4 Would seek to preserve state authority over OCS sources where states have been delegated authority to issue air permits for offshore drilling activities. (10 minutes) |
| 9. Hochul, Kathy
(NY) | #8 Would require a report that details how the amendments made by this Act are projected to increase oil and gas production and lower energy prices for consumers. (10 minutes) |
| 10. Schrader
(OR), DeFazio
(OR), Wu (OR) | #22 (LATE) Would prohibit any permits issued under the Clean Air Act for oil or natural gas drilling on the Counter Continental Shelf (OCS) off the coast of Oregon. (10 minutes) |

**PART B: SUMMARY OF AMENDMENTS PROPOSED TO BE MADE IN ORDER TO
H.R. 1249**

(summaries derived from information provided by sponsors)

Sponsor	# Description	Debate Time
1. Smith, Lamar (TX)	#15 (REVISED) Manager's Amendment- Would make technical edits and a few necessary changes to more substantive issues, such as prior user rights and an additional oversight requirement for the PTO.	(10 minutes)
2. Conyers (MI), Rohrabacher (CA)	#21 Would insert language to move the United States to a first to file system only upon a Presidential finding that other major patent authorities have adopted a similar one-year grace period.	(10 minutes)
3. Baldwin (WI), Sensenbrenner (WI), Kind (WI)	#5 (REVISED) Would strike Section 5, the "prior user rights" language, and conform H.R. 1249 to H.R. 1908, as passed by the U.S. House of Representatives on September 7, 2007, and S. 23, as passed by the U.S. Senate on March 8, 2011.	(10 minutes)

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| <p>4. Moore, Gwen (WI)</p> | <p>#2 Would direct the USPTO to develop methods for studying the diversity of patent applicants, including those applicants who are minorities, women, or veterans. Any results of the study shall not be used for preferential treatment in the patent process.</p> | <p>(10 minutes)</p> |
| <p>5. Jackson Lee (TX)</p> | <p>#27 Would add a sense of Congress that it is important to protect the rights of small businesses and inventors from predatory behavior that could result in the cutting off innovation and may provide an undue advantage to large financial institutions and high-tech firms.</p> | <p>(10 minutes)</p> |
| <p>6. Luján (NM)</p> | <p>#12 Would add requirements to the satellite office location selection process to ensure that 1) the purposes, as described in the bill, of establishing satellite offices are achieved, 2) recruitment costs are minimized by considering the availability of knowledgeable personnel in the region, and 3) the economic impact to the region is considered. It would also require that the Director in the required report to Congress on the rationale in selecting the location of any satellite office include an explanation of how the selected location will achieve the purposes of satellite offices and how the required considerations were met.</p> | <p>(10 minutes)</p> |
| <p>7. Peters (MI), Renacci (OH)</p> | <p>#4 (REVISED) Would mandate a USPTO-led study on what USPTO, SBA, and other agencies can do to help small businesses obtain, maintain, and enforce foreign patents. This study is to be conducted using existing resources.</p> | <p>(10 minutes)</p> |
| <p>8. Polis (CO)</p> | <p>#10 Would clarify that the new legislation would apply only to new tax planning patents, not already filed patents which would disclose patent information leaving the applicants vulnerable.</p> | <p>(10 minutes)</p> |
| <p>9. Conyers (MI), Markey, Edward (MA), Neal (MA), Pompeo (KS), Garrett (NJ), Lance (NJ), Gallegly (CA)</p> | <p>#39 (LATE) (REVISED) Would restore language for calculation of 60-day period for application of patent term extension that the managers amendment strikes.</p> | <p>(10 minutes)</p> |
| <p>10. Speier (CA)</p> | <p>#16 Would direct the PTO to prescribe a requirement that parties provide sufficient evidence to prove and rebut a</p> | <p>(10 minutes)</p> |

claim of derivation.

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| 11. Waters (CA) | #6 Would add a severability clause protecting the remainder of the bill if the Supreme Court determines that certain sections or provisions are unconstitutional. | (10 minutes) |
| 12. Sensenbrenner (WI) | #14 (REVISED) Would strike Section 3 of the legislation, which would convert the U.S patent system from “first-to-invent” to “first-to-file.” | (10 minutes) |
| 13. Manzullo (IL) | #1 (REVISED) Would eliminate the ability of the Director of the U.S. Patent and Trademark Office (USPTO) to set fees, retaining that authority for Congress. | (10 minutes) |
| 14. Rohrabacher (CA), Kaptur (OH) | #11 Would eliminate the burden of post-grant reviews and reexaminations on individual inventors and small businesses with 100 or fewer employees. | (10 minutes) |
| 15. Schock (IL), Boren (OK), Waters (CA), Sensenbrenner (WI), Franks (AZ), Kaptur (OH) | #37 Would strike section 18 of H.R. 1249, the Transitional program for covered business method patents. | (10 minutes) |