

FLOOR SCHEDULE FOR WEDNESDAY, JUNE 22, 2011

HOUSE MEETS AT:	FIRST VOTE PREDICTED:	LAST VOTE PREDICTED:
9:30 a.m.: Morning Hour 11:30 a.m.: Legislative Business Fifteen "One Minutes" per side	12:30 – 1:30 p.m.	7:00 p.m.

"One Minutes" will begin at 11:30 a.m. This is a change to the Republicans' previously announced schedule.

[H.Res. 316](#) - Rule providing for consideration of H.R. 1249 – America Invents Act (Rep. Smith (TX) – Judiciary/Budget) and H.R. 2021 - Jobs and Energy Permitting Act of 2011 (Rep. Gardner - Energy and Commerce) (One hour of debate). The Rules committee has recommended a structured Rule that provides for consideration of both H.R. 1249 and H.R. 2021.

For H.R. 2021, the Rule provides one hour of general debate equally divided between the Chair and Ranking member of the committee on Energy and Commerce and allows one motion to recommit, with or without instructions. The Rule also provides for consideration of 10 amendments, each debatable for 10 minutes. It also waives all points of order against the bill.

For H.R. 1249, the Rule provides one hour of general debate equally divided between the Chair and Ranking member of the committee on the Judiciary and allows one motion to recommit, with or without instructions. It also 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. The Rule also provides for consideration of 15 amendments, each debatable for 10 minutes.

It also allows upon receipt of a message from the Senate transmitting H.R. 1249 with a Senate amendment or amendments thereto, that 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.

The Rule waives all points of order against H.R. 1249. This includes a waiver of the "cut-go" rule (Clause X of Rule 21), which would be violated if the manager's amendment were adopted. This is a clear violation of the House Rules, Republican floor protocols, and promises that were made by their GOP Leadership. **Members are urged to VOTE NO on the Rule.**

[H.R. 1249](#) – America Invents Act (Rep. Smith (TX) – Judiciary/Budget) H.R. 1249 makes significant changes to the Patent system. Among some of the larger changes included in this overhaul, the bill includes a change that would give priority to the first-to-file for a patent, instead of the first-to-invent. It also creates a new method for challenging previously issued business method patents, and limits the venue in which suits could be filed for patent infringement, including providing primary jurisdiction to federal courts. The bill also requires the Director to submit an annual spending plan as well as an annual year-end report to the House and Senate Appropriations and Judiciary Committees.

H.R. 1249 also seeks to make changes in the area of fees. It allows the USPTO to set or adjust all of its fees, including those related to patents and trademarks, instead of having Congress set fees. Before the manager's amendment was filed, the bill originally allowed the agency to keep all of the funds it raised through these fees. The Smith (TX) Manager's amendment would change the underlying bill by making the patent office funding still provided through appropriations. It states that excess revenue from the patent office would be put into an account for patent office use through further appropriations.

The Rule makes in order 15 amendments, each debatable for 10 minutes:

Smith (TX) Manager's Amendment. Relating to technical changes and changing the fee structure within the USPTO in the underlying bill

Conyers/Rohrabacher Amendment. Relating to the first-to-file system

Baldwin/Sensenbrenner Amendment. Relating to striking section 5

Moore (WI) Amendment. Relating to the diversity of patent applicants

Jackson Lee Amendment. Relating to the rights of small businesses

Lujan Amendment. Relating to the satellite office location selection process

Peters/Renacci Amendment. Relating to a study on how to help small businesses obtain and enforce foreign patents

Polis Amendment. Relating to new versus existing patents

Conyers/Markey/Neal/Pompeo/Garrett Amendment. Relating to the 60-day period for application of patent term extension

Speier Amendment. Relating to proof of claim of derivation

Waters Amendment. Relating to a severability clause

Sensenbrenner Amendment. Relating to striking section 3

Manzullo Amendment. Relating to Congress' ability to set fees for the USPTO

Rohrabacher/Kaptur Amendment. Relating to post-grant reviews on small businesses

Schock/Boren/Waters/Sensenbrenner/Franks (AZ)/Kaptur Amendment. Relating to business method patents

Bill Text for H.R. 1249:

[HTML Version](#)

[PDF Version](#)

Background for H.R. 1249:

[House Report HTML Version](#)

[House Report PDF Version](#)

[CRS Report](#) – Patent Reform Issues in the 112th Congress: Innovation Issues

Begin Consideration of [H.R. 2021](#) - Jobs and Energy Permitting Act of 2011 (Rep. Gardner - Energy and Commerce) The bill changes a number of provisions within the Clean Air Act: It imposes time requirements to review and approve applications to drill in the OCS, enforcing a time period of no longer than 6 months to rule on a perspective permit. It also restricts the Environmental Appeals Board (within the EPA) from having any authority to consider any matter regarding the consideration, issuance, or denial of such permit. It also modifies certain air quality standards for offshore sources of pollutants, applying more lenient standards to offshore sources than onshore sources.

The Rule makes in order 10 amendments, each debatable for 10 minutes:

Speier Amendment. Relating to striking Section 2 of the bill on pollution modeling and monitoring

Hastings (FL) Amendment. Relating to the pollution emissions requirements for OCS drilling

Welch Amendment. Relating to oil subsidies received by a permit applicant from the federal government

Keating Amendment. Relating to transparency on bonuses received by permit applicants

Rush Amendment. Relating to 30-day extensions of the comment period on OCS drilling permits

Quigley Amendment. Relating to the EPA's Environmental Appeals Board

Eshoo Amendment. Relating to access to local courts

Capps/Carney/Castor Amendment. Related to state authority over OCS sources

Hochul Amendment. Related to a report on lowering energy prices for consumers

Schrader/Defazio/Wu Amendment. Relating to OCS drilling permits off the coast of Oregon

Bill Text for H.R. 2021:

[HTML Version](#)

[PDF Version](#)

Background for H.R. 2021:

[House Report HTML Version](#)

[House Report PDF Version](#)

Postponed Suspension Vote (1 vote)

1. **[H.R. 672](#) - Election Support Consolidation and Efficiency Act (Rep. Harper - House Administration/Science, Space, and Technology)** This legislation would eliminate the Election Assistance Commission, which was created as part of the Help America Vote Act, within 60 days of enactment of the bill. It would also transfer a few duties and responsibilities of the EAC to the Federal Election Commission (FEC).

H.R. 672 is a reckless cut to a program that has served a valuable purpose since its creation.

Cutting the EAC would actually shift costs to the FEC and local governments, not save money.

In Committee, the GOP Majority rejected two amendments offered by Mr. Gonzalez; the first amendment in the nature of a substitute would have reformed and reauthorized the EAC. The

second amendment would have delayed the termination of the EAC so that the Government

Accountability Office could conduct a study on the effects of this termination and report back to

Congress. Now, the GOP Leadership is taking this bill up under suspension with no opportunity for

amendments. **Members are urged to VOTE NO.**

TOMORROW'S OUTLOOK

The GOP Leadership has announced the following schedule for Thursday, June 23: The House will meet at 12:00 p.m. for legislative business. The House is expected to complete consideration of H.R. 2021 - Jobs and Energy Permitting Act of 2011 (Rep. Gardner - Energy and Commerce). The House is also expected to begin consideration of H.R. 2219 – Department of Defense Appropriations Act (Rep. Young



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(FL) – Appropriations) (Subject to a Rule). It is also possible that the House may consider legislation relating to Libya. Links to the two resolutions can be found here ([H.J.Res. ___](#) and [H.Con.Res. ___](#))

The Daily Quote

“Last week’s resounding votes on ethanol subsidies were just the start. Republicans are now starting to eye all sorts of tax breaks and special-interest loopholes once considered sacred cows as they seek ways to increase government revenue without actually raising tax rates...”

- Politico, 6/20/11