113th Congress

1st Session

H. Res. __

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H.R. 3309 - Innovation Act

H.R. 1105 - Small Business Capital Access and Job Preservation Act

1. Structured rule for H.R. 3309.
2. Provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary.
3. Waives all points of order against consideration of the bill.
4. Makes in order as original text for purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-28 and provides that it shall be considered as read.
5. Waives all points of order against that amendment in the nature of a substitute.
6. Makes in order only those further amendments printed in part A of the Rules Committee report. 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 with or without instructions.
9. Structured rule for H.R. 1105.
10. Provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services.
11. Waives all points of order against consideration of the bill.
12. Provides that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-29 shall be considered as adopted and the bill, as amended, shall be considered as read.
13. Waives all points of order against provisions in the bill, as amended.

14. Makes in order only the further amendment printed in part B of the Rules Committee report if offered by Representative Maloney of New York or her designee. The amendment shall be considered as read, shall be separately debatable for 10 minutes 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.
15. Waives all points of order against the amendment printed in part B of the report.
16. Provides one motion to recommit with or without instructions.

RESOLUTION

Resolved, That at any time after 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. 3309) to amend title 35, United States Code, and the Leahy-Smith America Invents Act to make improvements and technical corrections, and for other purposes. 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 the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-28. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute 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. 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 amendment in the nature of a substitute made in order as original text. 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. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1105) to amend the Investment Advisers Act of 1940 to provide a registration exemption for private equity fund advisers, and for other purposes. All points of order against consideration of the bill are waived. An amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-29 shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services; (2) the further amendment printed in part B of the report of the Committee on Rules accompanying this resolution, if offered by Representative Carolyn Maloney of New York or her designee, which shall be in order without intervention of any point of order, shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (3) one motion to recommit with or without instructions.

SUMMARY OF AMENDMENTS TO H.R. 3309 IN PART A PROPOSED TO BE MADE IN ORDER TO

(summaries derived from information provided by sponsors)

Sponsor	#	Description	Debate Time
1. Goodlatte (VA)	#26	**(LATE) MANAGERS** Makes a few technical and clarifying changes. Specifically, under Section 3(d), it clarifies that the exception in paragraph one applies to biosimilars, it also adds an exception for actions seeking relief based on competitive harm, and ensures that the provision is not subject to reverse gamesmanship. Under Section 6(d) it makes clarifying changes that ensure that foreign courts cannot terminate licenses to US IP. Extends time required by the agencies to complete the various studies and reports required in the bill.	(10 minutes)
2. Watt (NC)	#17	Brings the fee shifting provision in the underlying bill more closely aligned with the Equal Access to Justice Act. Allows a judge to consider dilatory or other abusive tactics by the prevailing party in determining whether to reduce or deny a fee award.	(10 minutes)

3. Polis (CO)	#4	**(REVISED)** Requires claimants to provide additional disclosure information in any pre-suit notification to establish a willful infringement claim.	(10 minutes)
4. Massie (KY)	#1	Strikes section 5, the "Customer-suit exception" provision.	(10 minutes)
5. Jackson Lee (TX)	#7	Expands covered customer definition to all small businesses so long as their annual revenue does not exceed $25 million.	(10 minutes)
6. Jackson Lee (TX)	#8	Requires the Director to conduct a study regarding the economic impact of the changes in current law resulting from Sections 3, 4, and 5 of the bill on the ability of individuals and small businesses owned by women, veterans, and minorities to assert, secure, and vindicate their constitutionally guaranteed exclusive right to their inventions and discoveries.	(10 minutes)
7. Rohrabacher (CA)	#20	Strikes 9(a) from the bill and reorder the remaining subsections of Section 9.	(10 minutes)
8. Conyers (MI), Watt (NC)	#15	**(REVISED) SUBSTITUTE** Promotes transparency in patent ownership; protects customers who are targeted in infringement suits; directs the PTO to develop educational resources for small businesses; instructs the PTO and others to prepare reports on several issues including the use of deceptive demand letters.	(20 minutes)

SUMMARY OF AMENDMENT TO H.R. 1105 IN PART B PROPOSED TO BE MADE IN ORDER

(summaries derived from information provided by sponsors)

Sponsor	**#**	**Description**	**Debate Time**
1. Maloney, Carolyn (NY)	#2	Requires private equity fund advisers to register with the SEC, but directs the SEC to create a simplified registration and disclosure regime for small private equity fund advisers.	(10 minutes)