3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE Issa OF California, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES:

6

AMENDMENT TO H.R. 1908, AS REPORTED

OFFERED BY MR. ISSA OF CALIFORNIA

Page 67, insert the following after line 7:

1 (c) EFFECTIVE DATE OF REGULATIONS.—

2 (1) REVIEW BY CONGRESS.—A regulation pro-
3 mulgated by the United States Patent and Trade-
4 mark Office under section 2(b)(2) of title 35, United
5 States Code, with respect to any matter described in
6 section 2(c)(6) of such title, as added by subsection
7 (a) of this section, may not take effect before the
8 end of a period of 60 days beginning on the date on
9 which the Under Secretary of Commerce for Intellec-
10 tual Property and Director of the United States Pat-
11 ent and Trademark Office submits to each House of
12 Congress a copy of the regulation, together with a
13 report containing the reasons for its adoption. The
14 regulation and report so submitted shall be referred
15 to the Committee on the Judiciary of the House of
16 Representatives and the Committee on the Judiciary
17 of the Senate.

18 (2) JOINT RESOLUTION OF DISAPPROVAL.—If a
19 joint resolution of disapproval with respect to the

1 regulation is enacted into law, the regulation shall
2 not become effective or continue in effect.
3 (3) JOINT RESOLUTION DEFINED.—For pur-
4 poses of this subsection, the term a "joint resolution
5 of disapproval" means a joint resolution, the matter
6 after the resolving clause of which is as follows:
7 "That Congress disapproves the regulation sub-
8 mitted by the Under Secretary of Commerce for In-
9 tellectual Property and Director of the United States
10 Patent and Trademark Office on _____ relating to
11 _____, and such regulation shall have no force or
12 effect.", with the first space being filled with the ap-
13 propriate date, and the second space being filled
14 with a description of the regulation at issue.
15 (4) REFERRAL.—A joint resolution of dis-
16 approval shall be referred in the House of Rep-
17 resentatives to the Committee on the Judiciary and
18 in the Senate to the Committee on the Judiciary.
19 (5) FLOOR CONSIDERATION.—A vote on final
20 passage of a joint resolution of disapproval shall be
21 taken in each House on or before the close of the
22 15th day after the bill or resolution is reported by
23 the committee of that House to which it was re-
24 ferred or after such committee has been discharged

1 from further consideration of the joint resolution of
2 disapproval.
3 (6) NO INFERENCES.— If the Congress does
4 not enact a joint resolution of disapproval, no court
5 or agency may infer therefrom any intent of the
6 Congress with regard to such regulation or action.
7 (7) CALCULATION OF DAYS.—The 60-day pe-
8 riod referred to in paragraph (1) and the 15-day pe-
9 riod referred to in paragraph (5) shall be computed
10 by excluding—
11 (A) the days on which either House of
12 Congress is not in session because of an ad-
13 journment of the Congress sine die; and
14 (B) any Saturday and Sunday, not ex-
15 cluded under subparagraph (A), when either
16 House is not in session.
17 (8) RULEMAKING AUTHORITY.—This subsection
18 is enacted by the Congress as an exercise of the
19 rulemaking power of the Senate and House of Rep-
20 resentatives respectively, and as such it is deemed a
21 part of the rules of each House, respectively.