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CONGRESSIONAL RECORD
PROCEEDINGS AND DEBATES OF THE 98TH CONGRESS

HOUSE

BILL	DATE	PAGE(S)
S.Con.Res.141	SEP 14 '84 (115)	H9547-48

ACTION:

Drug Price Competition: House agreed to S. Con. Res. 141, to correct technical errors in the enrollment of the bill S. 1538, to amend the Federal Food, Drug, and Cosmetic Act to revise the procedures for new drug applications, to amend title 35, United States Code, and to authorize the extension of the patents for certain regulated products.

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CORRECTING ERRORS IN ENROLLMENT OF S. 1538, DRUG PRICE COMPETITION AND PATENT TERM RESTORATION ACT

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 141) to correct technical errors in the enrollment of the Senate bill (S. 1538) to amend the Federal Food, Drug, and Cosmetic Act to revise the procedures for new drug applications, to amend title 35, United States Code, to authorize the extension of the patents for certain regulated products, and for other purposes, and ask for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 141

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 1538) to amend the Federal Food, Drug, and Cosmetic Act to revise the procedures for new drug applications, to amend title 35, United States Code, to authorize the extension of the patents for certain regulated products, and for other purposes, the Secretary of the Senate shall make the following changes. In sections 505(j)(4)(B)(iii)(III) and 505 (c)(3)(C)(ii) of the Federal Food, Drug, and Cosmetic Act as added by sections 101 and 103(b) of the bill, respectively, strike out "not invalid" and insert in lieu thereof "invalid".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. BLILEY. Mr. Speaker, reserving the right to object—and I shall not object—will the gentleman from California [Mr. WAXMAN] explain the resolution?

Mr. WAXMAN. If the gentleman will yield. This concurrent resolution is necessary to correct an error in S. 1538, the Drug Price Competition and Patent Term Restoration Act, which has been passed by the House and the Senate. In title I of the bill, the phrase, "if the court decides that such patent is not invalid or not infringed" appears in sections 101 and 103. The double negative "not invalid" is incorrect. This concurrent resolution will correct the phrase to read, "if the court decides that such patent is invalid or not infringed."

Mr. BLILEY. I thank the gentleman for his explanation.

Mr. Speaker, I support the bill, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.