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r. MCCLOSKEY, Mr. Speaker, I ris motion to recommit. ae SPEANER pro tempore. Is the Heman Sprayed to the bill? r. McCLOSHEY, I am. Mr. Speak-

he SPEAKER pro tempore. The ik will report the motion to recom-

#### he Clerk read as follows:

: McCloskey moves to recommit the H.R. 4325, to the Committee on Small

he SPEAKER pro tempore. Withobjection, the previous question is ered on motion to recommit. here was no objection.

he SPEAKER pro tempore. The stion is on the motion to recommit. he motion to recommit was reject-

he SPEAKER pro tempore. The stion is on the passage of the bill. he question was taken; and the aker pro tempere assounced that ayes appeared to have it.

ir. McCLOSMEY. Mr. Speaker, I to the vote of the strend that genum is not present and make the nt of ord - that a quantum is not

he SPEAKER pro tempore. Evitly a quorum is not possent. he Sergeant at Arms will notify

ent Members. he vote was taken by electronic ice, and there were-yeas 353, nays

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Messrs. MINETA, LANTOS, and STUMP changed their vote from Tyea' to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### (7.1230)

#### GENERAL LEAVE

Mr. LaFALCE, Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the bill just passed

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

There was no objection.

Mr. MITCHELL of Maryland, Mr. Speaker, pursuant to the provisions of House Resolution 501, I call up from the Speaker's table the Senate bill (S. 881) to amend the Small Business Act to strengthen the role of the small, innovative firms in federally funded re-- search and development, and to utilize Federal research and development as a base for technological innovation to meet agency needs and to contribute to the growth and strength of the Nation's economy.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. MITCHELL OF MARYLAND

Mr. MITCHELL of Maryland, Mr. Speaker, I offer a motion.

The Clerk rend as follows:

Mr. Mirchell of Maryland moves to strike out all after the enacting clause of the Senate bill, S. 881, and to insert in lieu thereof the provisions of the bill, H.R. 4326 as passed, as follows:

Section I. This Act may be cited as the "Small Business Innovation Development Act of 1932'

Sec. 2, (a) The Congress finds that-

(1) technological innovation creates jobs. increases productivity, competition, and economic growth, and is a valuable counterforce to inflation and the United Stares balance-of-payments deficit;

(2) while small business is the principal source of significant innovations in the Nation, the vast majority of federally funded research and development is conducted by large businesses, universities, and Government laboratories; and

(3) small businesses are among the most cost-offertive performers of research and development and are particularly capable of developing research and development resuits into new products

(b) Therefore, the purposes of the Act

(1) to stimulate technological innovation:

(2) to use small business to meet Federal research and development needst

(3) to fosser and encourage participation by minority and disadvantaged persons in technological innovation; and

(4) to increase private sector commercialization innovations derived from Federal research and development.

Sec. 3. Section 9(b) of the Small Business Act is amended-

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof ": and": and

(3) by adding at the end thereof the fol-

lowing

"(4) to develop and maintain a source file and an information program to assure each qualified and interested small business concern the opportunity to participate in Federal agency small business innovation research programs;

"(5) to coordinate with participating agencies a schedule for release of SBIR solicitations, and to prepare a master release schedule so as to maximize small businesses' onportunities to respond to solicitations;

"(6) to independently survey and monitor the operation of SBIR programs within par-

ticipating Pederal agencies; and

"(7) to report not less than annually to the Committee on Small Business of the Senate and the Committee on Small Business of the House of Representatives on the SBIR programs of the Federal agencies and the Administration's information and monitoring efforts related to the SBIR programs.

SEC. 4. Section 9 of the Small Business Act is amonded by adding at the end thereof the

following new subsections:

"(e) For the purpose of this section "(1) the term 'extramural budget' means the sum of the total obligations minus amounts obligated for such activities by employees of the agency in or through Government-owned. Government-operated facilities, except that for the Agency for International Development it shall not include amounts obligated solely for general institutional support of international research centers or for grants to foreign countries.

"(2) the term 'Federal agency' means an executive agency as defined in section 105 of title 5. United States Code, or a military deparament as defined in section 102 of such title, except that it does not include any accord within the Intelligence Community the term is defined in section 3.4(f) of Executive Order 12233 or its successor

Gracers).

"(3) the term 'funding agreement' means any contract, grant, or cooperative agreement entered into between any Federal agency and any small business for the performance of experimental, developmental, or research work funded in whole or in part by the Federal Government;

"(4) the term 'Small business Innovation Research Program' or 'SBIR' means a procrain under which a portion of a Federal acopey's research or research and development effort is reserved for award to small business concerns through a uniform process having-

"(A) a first phase for determining, insofar as possible, the scientific, and technical merit and feasibility of ideas submitted pursuant to SBIR program solicitations;

"(E) a second phase to further develop the propered liters to meet the particular program needs, the awarding of which shall

take into a modernium the scantific and irelinits) north and textibility evidenced by the first phase and, where two or more are posals are cultisted as being of approximately equal scientific and technical music and feasibility special consideration shall be given to these proposals that have demonstrated third phase, non-Federal capital commitments, and

"(C) where appropriate, a third phase in which non-Federal capital pursues commercial applications of the research or research and development and which may also involve follow-on non-SBIR funded production contracts with a Federal agency for products or processes intended for use by the United States Government; and

"(5) the term 'research' or 'research and development' means any activity which is (A) a systematic, intensive study directed toward greater knowledge or understanding of the subject studied; (B) a systematic study directed specifically toward applying new knowledge to meet a recognized need; or (C) a systematic application of knowledge toward the production of useful materials, devices, and systems or methods, including design, development, and improvement of prototypes and new processes to meet spe-

cific requirements.

"(f) Each Federal agency which has an extramural budget or research or research and development in excess of \$100,000,000 for fiscal year 1982, or any fiscal year thereafter, shall expend not less than 0.2 per centum of its extramural budget in fiscal year 1983 or in such subsequent fiscal year as the agency has such budget, not less than 0.6 per centum of such budget in the second fiscal year thereafter, not less than 1 per centum of such budget in the third fiscal. year thereafter, and not less than 1.25 per centum of such budget in all subsequent fiscal year with small business concerns specifically in conection with a small business innovation research program which meets the requirements of the Small Bushness Innovation Development Act of 1982 and regulations issued thereunder. Provided. That any Federal agency which has an extramural budget for research or research and development in excess of \$10,000,000,000 for fiscal year 1982 shall expend not less than 0.1 per centum of its extramural budget in fiscal year 1983, not less than 0.3 per centum of such budget in the second fiscal year thereafter, not less than 0.5 per centum of such budget in the third fiscal year thereafter, not less than 1 per centum of such budget in the fourth fiscal year thereafter, and not less than 1.25 per centum of such budget in all subsequent fiscal years with small business concerns specifically in connection with a small business innovation research program which meets the requirements of the Small Business Innovation Development Act of 1982 and regulations issued thereunder: Provided further, That a Federal agency shall not make available for the purpose of meeting the requirements of this subsection an amount of its entramural budget for basic research or research and development which excerds the persontages specified herein. Funding agreements with small information provided in proposals; (Descietbusiness concerns for research or research and development which result from competitive or single source selections other than under a small business imposation research program shall not be counted as meeting any portion of the percentage requirements of this subsection.

T(2) Amounts appropriated for atomic energy defense programs of the Department of Energy shall for the purposes of paragraph (1) be excluded from the amount of the research or research and development budget of that Dapartment --

Tup Each Federal spenty required by subsection the to establish a small bunders inroun shall in a sedsince with this Act and regulations I seed farcunder—

"(1) unflaterally determine categories of projects to be in its SEIR program;

"(2) issue small business innovation research solicitations in accordance with a schedule determined cooperatively with the Small Business Administration;

"(3) unilaterally receive and evaluate proposals resulting from SBIR proposals,

"(4) unflaterally select awardees for its SBIR funding agreements;

"(5) administer its own SBIR funding agreements (or delegate such administration to another agency);

"(6) make payments to recipients of SBIR funding agreements on the basis of progress toward or completion of the funding agreement requirements; and

"(7) make an annual report on the SBIR program to the Small Business Administration and the Office of Science and Technology Policy.

"(h) In addition to the requirements of subsection (f), each Federal agency which has a budget for research or research and development in excess of \$20,000,000 for any fiscal year beginning with fiscal year 1983 or subsequent fiscal year shall establish goals specifically for funding agreements for research or research and development to small business concerns, and no goal established under this subsection shall be less than the percentage of the agency's research or research and development budget expended under funding agreements with small business concerns in the immediately preceding fiscal year.

"(i) Each Federal agency required by this section to have an SBIR program of to establish goals shall report annually to the Small Business Administration the number of awards pursuant to grants, contracts, or cooperative agreements over \$10,000 in amount and the dollar value of all such awards, identifying SBIR awards and comparing the number and amount of such awards with awards to other than small business concerns.

"(j) The Small Business Administration, after consultation with the Administrator of the Office of Federal Procurement Policy, the Director of the Office of Science and Technology Policy, and the Intergovernmental Affairs Division of the Office of Management and Budget, shall, within one hundred and twenty days of the enactment of the Small Business Innovation Development Act of 1982, issue policy directives for the general conduct of the SBIR programs within the Federal Government, including providing for-

"(1) simplified, standardized, and timely SBIR solicitations;

"(2) a simplified, standardized funding process which provides for (A) the timely receipt and review of proposals; (B) outside peer review for at least phase two propossis, if appropriate: (C) protection of propracting tion of awaranest (E) retention of rights in data generated in the performance of the contract by the small business concern, (F) transfer of title to property provided by the agency to the small buildness concern if such a transfer would be more rost effective than recovery of the property by the agency; (G) cost sharing, and (H) cost principles and payment schedules;

"(3) exemptions from the reg. :: under paragraph (2) if noticinal security or intelligence functions clearly violed by Japa

"(4) miniminas regulatory burden associared with participation in the SBIR progrum for the small business concern which will start it - the coal-effective conduct of Federal research and development and the in Moved of commercialization of the sesuchs of the earth and development conducted or the fine SSIR program; and

"(5) simplified, standardized, and timely annual report on the SBIR program to the Small Eusiness Administration and the Office of Science and Technology Policy.

"(k) The Director of the Office of Science and Technology Policy, in consultation with the Federal Coordinating Council for Science. Engineering and Research, shall, in addition to such other responsibilities imposed upon him by the Small Business Innovation Development Act of 1982-

"(1) independently survey and monitor all phases of the implementation and opration of SBIR programs within agencies required to establish an SBIR program, including compliance with the expenditures of funds according to the requirements of subsection (f) of this section; and

"(2) report not less than annually, and at such other times as the Director may deem appropriate, to the Committees on Small Business of the Senate and House or Represectatives on all phases of the implementation and operation of SBIR programs within areacies required to establish an SBIR program, together with such recommendations as the Director may deem appropriate.".

SEC. 5. Effective October 1, 1988, paragraphs 4) through (7) of section 9(b) of the Small Business Act (as added by section 3) and submections (e) through (k) of section 9 of the Small Business Act (as added by section 4) are repealed.

Sec. 6. The Comptroller General shall, not more than five years after the date of enactment of this Act, transmit a report to the Senate and the House of Representatives on the implementation of, and nature of research conducted under this Act, including the judgments of the heads of Departments and agencies as to the effect of this Act on research programs.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 4326) was laid on the table. 1.5

### PERSONAL EXPLANATION

Mr. DENARDIS. Mr. Speaker, on the rolicall on H.R. 4326, the Small Business Innovacion Development Act, I was unavoidably detained at a meeting and unable to cast my vote.

Had I been present I would have voted in the affirmative.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSS-MENT OF HOUSE AMENDMENT TO S. 881, SMALL BUSINESS IN-NOVATION DEVELOPMENT ACT OF 1981

Mr. LaFALCE. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to correct section numbers, cross-references, and punctuation in the engrewment of the House amendan at to S. 881.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York)

There was no objection.

EXPRESSION OF THANKS CONSIDERATION OF SM. SMALL BUSINESS INNOVATION DEVEL-OPMENT ACT

(Mr. LaFALCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LaFALCE, Mr. Speaker, I would like to thank some Members of this House for their role in the passage of the Small Business Innovation Research and Development Act. It is difficult for me to enumerate all.

Certainly I want to thank the chairman of the full committee, the gentleman from Maryland (Mr. MITCHELL) the ranking minority member, the gentleman form Pennsylvania (Mr. ranking minority tne McDade) member of my subcommittee, the gentleman from Ohio (Mr. Stanton); the gentleman from Iowa (Mr. BEDELL); the gentleman from Iowa (Mr. Smith).

I also want to give special thanks to the staff of the Small Business Committee, both the majority and minority, full committee and my subcommittee.

I also want to thank a tremendous number of small business groups, the National Council For Industrial Innovation, the National Institute of Entrepreneurial Technology, the Chamber of Commerce, the National Small Business Association, Small Business United, the National Federation of Independent Businesses, and other, all of whom were most helpful in bringing about passage of this bill.

I especially want to thank Milt Stewart, former Chief Counsel for Advocacy of the Small Business Administra-

#### VOTING RIGHTS ACT OF 1965 AMENDMENTS

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3112) to amend the Voting Rights Act of 1965 to extend the effect of certain provisions, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill. The Clerk read the Senate amendment as follows:

Strike out all after the enacting clause and insert:

That this Act may be cited at the "Voting Rights Act Amendment of 1982"

Sec. 2. (a) Subjection (a) of section 4 of the Voting Rights Act of 1965 is amended by striking out "seventeen years" each place it appears and inserting in lieu thereof "nineteen years".

(b) Effective on and after August 5, 1984. subsection (a) of section 4 of the Voting Rights Act of 1965 scanner ind— (1) by inserting '(1)" after "(a)":

(2) by inserting "or in any political subdivision of such State (as such subdivision syisted on the date such determinations were made with respect to such State), though such determinations were not made with respect to such subdivision as a separate unit." before "or in any political subdivision with respect to which" each place it ap-

(3) by striking out "in an action for a de-claratory judgment" the first place it ap-pears and all that follows through "color through the use of such tests or devices have occurred anywhere in the territory of such plaintiff.", and in Serting in lieu thereof "issues a declaratory judgment under this section.":

(4) by striking out "in an action for a de-claratory judgment" the second place it appears and all that follows through "section 4(f)(2) through the use of tests or devices have occurred anywhere in the territory of such plaintiff.", and inserting in Hen thereof the following:

"issues a declaratory judgment under this section. A declaratory judgment under this section shall issue only if such court determines that during the ten years preceding the filing of the action, and during the pendency of such action-

"(A) no such test or device has been used within such State or political subdivision for the nurpose or with the effect of denying or abridging the right to vote on account of race or color or (in the case of a State or subdivision seeking a declaratory judgment under the second sentence of this subsection) in contravention of the guarantees of subsection (f)(2);

"(B) no final judgment of any court of the United States, other than the denial of declaratory judgment under this section, has determined that denials or abridgements of the right to vote on account of race or color have occurred anywhere in the territory of such State or political subdivision or (in the case of a State or subdivision seeking a declaratory judgment under the second sentence of this subsection) that denials or abridgements of the right to vote in contravention of the guarantees of subsection (f)(2) have occurred anywhere in the territory of such State or subdivision and no consent decree, settlement, or agreement has been entered into resulting in any abandonment of a voting practice challenged on such grounds; and no declaratory judgment under this section shall be entered during the pendency of an action commenced before the filing of an action under this section and alleging such denials or abridgements of the right to vote;

"(C) no Federal examiners under this Act have been assigned to such State or political subdivision:

"(D) such State or political subdivision and all governmental units within its territory have complied with section 5 of this Act, including compliance with the requirement that no change covered by section 5 has been enforced without preclearance under section 5, and have repealed all changes covered by section 5 to which the Attorney General has successfully objected or as to which the United States District Court for the District of Columbia has denied a declaratory judgment;

"(E) the Attorney General has not interposed any objection (that has not been overturned by a final judgment of a court) and no declaratory judgment has been denied under section 5, with respect to any submission by or on behalf of the plaintiff or any governmental unit within its territory under section 5. and no such submission or declassitory judgment actions are proding an i