

DANIEL PATRICK MOYNIHAN,
 GEORGE MITCHELL,
 FRANK R. LAUTENBERG,
 JOHN H. CHAFFEE,
 ALAN K. SIMPSON,
 DAVE DURENBERGER,
 J. WARNER,

Managers on the Part of the Senate.

When said conference report was considered.

After debate,

On motion of Mr. SWIFT, the previous question was ordered on the conference report to its adoption or rejection.

The question being put, *viva voce*,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. MONTGOMERY, announced that the yeas had it.

Mr. SCHAEFER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared

Yeas	403
Nays	3

¶111.5 [Roll No. 409]
 YEAS—403

Ackerman	Collins (IL)	Gallo
Allard	Collins (MI)	Gaydos
Allen	Combest	Gejdenson
Anderson	Condit	Gekas
Andrews (ME)	Cooper	Gephardt
Andrews (NJ)	Costello	Geren
Andrews (TX)	Coughlin	Gibbons
Annunzio	Cox (CA)	Gilchrest
Anthony	Cox (IL)	Gillmor
Applegate	Coyne	Gilman
Archer	Cramer	Gingrich
Armey	Crane	Glickman
Aspin	Cunningham	Gonzalez
Atkins	Dannemeyer	Gordon
Bacchus	Darden	Goss
Baker	Davis	Gradison
Ballenger	de la Garza	Grandy
Barrett	DeFazio	Green
Barton	DeLauro	Guarini
Bateman	DeLay	Gunderson
Beilenson	Dellums	Hall (OH)
Bennett	Derrick	Hall (TX)
Bentley	Dickinson	Hamilton
Bereuter	Dicks	Hammerschmidt
Berman	Dingell	Hancock
Bevill	Dixon	Hansen
Bilbray	Donnelly	Harris
Bilirakis	Dooley	Hastert
Bliley	Doolittle	Hatcher
Boehlert	Dorgan (ND)	Hayes (IL)
Boehner	Dornan (CA)	Hefley
Bonior	Downey	Hefner
Borski	Dreier	Henry
Boucher	Duncan	Herger
Brewster	Durbin	Hertel
Brooks	Dwyer	Hoagland
Broomfield	Dymally	Hobson
Browder	Early	Hochbrueckner
Brown	Eckart	Holloway
Bruce	Edwards (CA)	Hopkins
Bryant	Edwards (TX)	Horn
Bunning	Emerson	Horton
Burton	Engel	Houghton
Bustamante	English	Hoyer
Byron	Erdreich	Hubbard
Callahan	Espy	Hughes
Camp	Evans	Hunter
Campbell (CA)	Fascell	Hutto
Campbell (CO)	Fazio	Hyde
Cardin	Feighan	Inhofe
Carper	Fields	Jacobs
Carr	Fish	James
Chandler	Flake	Jenkins
Chapman	Ford (MI)	Johnson (CT)
Clay	Ford (TN)	Johnson (SD)
Clement	Frank (MA)	Johnson (TX)
Coble	Franks (CT)	Johnston
Coleman (MO)	Frost	Jontz
Coleman (TX)	Galleghy	Kanjorski

Kasich	Neal (MA)	Shaw
Kennedy	Neal (NC)	Shays
Kennelly	Nichols	Sikorski
Kildee	Nowak	Sisisky
Kleczyka	Nussle	Skaggs
Klug	Oakar	Skeen
Kolbe	Oberstar	Skelton
Kolter	Obey	Slattery
Kopetski	Olin	Slaughter
Kyl	Olver	Smith (FL)
LaFalce	Ortiz	Smith (IA)
Lagomarsino	Orton	Smith (NJ)
Lancaster	Owens (NY)	Smith (OR)
Lantos	Owens (UT)	Smith (TX)
LaRocco	Oxley	Snowe
Laughlin	Packard	Solarz
Leach	Pallone	Solomon
Lehman (CA)	Panetta	Spence
Lehman (FL)	Parker	Spratt
Lent	Pastor	Staggers
Levin (MI)	Patterson	Stallings
Levine (CA)	Paxon	Stark
Lewis (CA)	Payne (NJ)	Stearns
Lewis (FL)	Payne (VA)	Stenholm
Lewis (GA)	Pease	Studds
Lightfoot	Pelosi	Stump
Lipinski	Peterson (FL)	Sundquist
Livingston	Peterson (MN)	Swett
Lloyd	Petri	Swift
Long	Pickett	Synar
Lowery (CA)	Pickle	Tallon
Lowey (NY)	Porter	Tanner
Luken	Poshard	Tauzin
Machtley	Price	Taylor (MS)
Manton	Pursell	Taylor (NC)
Markey	Quillen	Thomas (CA)
Marleene	Rahall	Thomas (GA)
Martin	Ramstad	Thomas (WY)
Martinez	Rangel	Thornton
Matsui	Ravenel	Torres
Mavroules	Reed	Torricelli
Mazzoli	Regula	Towns
McCandless	Rhodes	Traficant
McCloskey	Richardson	Traxler
McCollum	Ridge	Unsoeld
McCrery	Riggs	Upton
McCurdy	Rinaldo	Valentine
McDermott	Ritter	Vander Jagt
McEwen	Roberts	Vento
McGrath	Roe	Visclosky
McHugh	Roemer	Volkmer
McMillan (NC)	Rogers	Vucanovich
McMillan (MD)	Rohrabacher	Walker
McNulty	Ros-Lehtinen	Walsh
Meyers	Rose	Washington
Mfume	Rostenkowski	Waters
Michel	Roth	Waxman
Miller (CA)	Roukema	Weber
Miller (OH)	Rowland	Weldon
Miller (WA)	Roybal	Wheat
Mineta	Russo	Whitten
Mink	Sabo	Williams
Moakley	Sangmeister	Wilson
Molinari	Santor	Wise
Mollohan	Sarpalius	Wolf
Montgomery	Sawyer	Wolpe
Moody	Saxton	Wyden
Moorhead	Schaefer	Wylie
Moran	Scheuer	Yates
Morella	Schiff	Yatron
Morrison	Schroeder	Young (AK)
Mrazek	Schulze	Young (FL)
Murphy	Schumer	Zeliff
Murtha	Sensenbrenner	Zimmer
Nagle	Serrano	
Natcher	Sharp	

NAYS—3

Ewing	Fawell	Ray
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NOT VOTING—26

Abercrombie	Foglietta	McDade
Alexander	Goodling	Myers
AuCoin	Hayes (LA)	Penny
Barnard	Huckaby	Perkins
Blackwell	Ireland	Sanders
Boxer	Jefferson	Savage
Clinger	Jones	Shuster
Conyers	Kaptur	Stokes
Edwards (OK)	Kostmayer	

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶111.6 AMTRAK AUTHORIZATION

On motion of Mr. SWIFT, by unanimous consent, the bill (H.R. 4250) to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. SWIFT, it was,

Resolved, That the House disagree to the amendment of the Senate and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Thereupon, the SPEAKER pro tempore, Mr. MONTGOMERY, by unanimous consent, announced the appointment of Messrs. DINGELL, SWIFT, SLATTERY, LENT, and RITTER, as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate thereof.

¶111.7 NATIONAL COMPETITIVENESS ACT

The SPEAKER pro tempore, Mr. MONTGOMERY, pursuant to House Resolution 563 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5231) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes.

Mr. LANCASTER, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶111.8 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendments, as modified, en bloc submitted by Mr. WALKER:

Page 99, after line 14, insert the following:

Subtitle A—Miscellaneous Provisions

Page 107, after line 20, insert the following new subtitle:

Subtitle B—Technology Transfer Improvements

SEC. 411. SHORT TITLE.

This subtitle may be cited as the "Technology Transfer Improvements Act of 1992".

SEC. 412. COPYRIGHT FOR SOFTWARE.

Section 105 of title 17, United States Code, is amended—

(1) by striking "Copyright" and inserting in lieu thereof "(a) GENERAL RULE.—Except as provided in subsection (b), copyright"; and

(2) by adding at the end the following new subsection:

"(b) COPYRIGHT OF COMPUTER PROGRAMS.—

Each Federal agency may secure copyright registration on behalf of the United States and the United States shall have all copyright rights in and be the owner of any computer program (including instructions necessary to use the program, but not including data, data bases, or data base retrieval programs) authored in whole or in part by employees of the United States Government in

the course of work under a cooperative research and development agreement entered into under the authority of section 202(a)(1) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a(a)(1)) or a similar agreement entered into under section 203(c) (5) and (6) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473(c) (5) and (6)), or provided by the United States Government under section 202(b)(1) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a(b)(1)), and may grant or agree to grant in advance to a participating party in the agreement, licenses or assignments for such copyrights, or options thereto, retaining such other rights as the Federal agency deems appropriate."

SEC. 413. AMENDMENTS TO SECTION 202 OF THE STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.

Section 202 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a) is amended—

(1) in subsection (b)(4), by inserting " , including computer software," after "intellectual property"; and

(2) in subsection (b)(5), by inserting "or computer programs described in section 105(b) of title 17, United States Code" after "of the United States".

SEC. 414. DEFINITION OF COMPUTER SOFTWARE.

Section 4 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3703) is amended by adding at the end the following new paragraph:

"(14) 'Computer software' has the meaning given the term 'computer program' in section 101 of title 17, United States Code, and includes instructions necessary to use the program, but does not include data, data bases, or data base retrieval programs."

SEC. 415. ROYALTY PAYMENTS TO AUTHORS.

(a) Section 204(a)(1)(A), (2), and (3) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710c(a)(1)(A), (2), and (3)) is amended—

(1) by inserting "or computer software" after "inventions" each place it appears;

(2) by inserting "or computer software" after "invention" each place it appears;

(3) by inserting "or author" after "inventor" each place it appears;

(4) by inserting "or co-author" after "co-inventor" each place it appears;

(5) by inserting "or authors" after "inventors" each place it appears;

(6) by inserting "or co-authors" after "co-inventors" each place it appears; and

(7) by inserting "or author's" after "inventor's" each place it appears.

(b) Section 204(a)(1)(B) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710c(a)(1)(B)) is amended—

(1) by inserting "or computer software" after "income from any invention";

(2) by inserting "or computer software was developed" after "the invention occurred";

(3) by inserting "or computer software" after "licensing of inventions" in clause (i);

(4) by inserting "or computer software which was developed" after "with respect to inventions" in clause (i); and

(5) by inserting "or computer software" after "organizations for invention" in clause (i).

(c) Section 204(c) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710c(c)) is amended by inserting "or author" after "including inventor".

SEC. 416. TECHNICAL AND CONFORMING AMENDMENTS.

Section 202(c) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)), is amended by inserting "or computer software" after "inventions" each place it appears.

Page 108, line 5, strike "\$3,000,000" and insert in lieu thereof "\$2,000,000".

Page 108, line 6, after "Policy" strike "\$5,000,000" and insert in lieu thereof "including competitiveness research, data collection, and evaluation, \$4,000,000".

Page 108, line 8, strike "\$2,000,000" and insert in lieu thereof "\$1,500,000".

Page 108, strike lines 9 and 10.

Page 110, line 7, strike "\$272,500,000" and insert in lieu thereof "\$230,000,000".

Page 111, line 5, strike "\$35,000,000" and insert in lieu thereof "\$25,000,000".

Page 111, line 10, strike "\$1,570,000,000" and insert in lieu thereof "\$400,000,000".

Page 113, line 3, after "1995" insert the following: " , except that such amount in each fiscal year shall be limited to—

"(A) amounts derived from amounts otherwise authorized to be appropriated to the Secretary for that fiscal year; or

"(B) the amount requested, in the president's annual budget request to Congress, specifically for such Program for that fiscal year".

Page 113, line 6, after "1994" insert the following: " , except that such amount in each fiscal year shall be limited to—

"(A) amounts derived from amounts otherwise authorized to be appropriated to the Secretary for that fiscal year; or

"(B) the amount requested, in the president's annual budget request to Congress, specifically for such Program for that fiscal year".

Page 113, line 10, after "1995" insert the following: " , except that such amount in each fiscal year shall be limited to—

"(A) amounts derived from amounts otherwise authorized to be appropriated to the Secretary for that fiscal year; or

"(B) the amount requested, in the president's annual budget request to Congress, specifically for such Program for that fiscal year".

Page 113, beginning on line 21, strike all through "Foundation" on line 23, and insert in lieu thereof, "From sums otherwise authorized to be appropriated".

It was decided in the } Yeas 162
negative } Nays 246

111.9 [Roll No. 410] AYES—162

- Allard Fawell Kyl
Allen Fields Lagomarsino
Archer Fish Leach
Army Franks (CT) Lent
Baker Gallegly Lewis (CA)
Ballenger Gallo Lewis (FL)
Barrett Gekas Lightfoot
Barton Gilchrist Livingston
Bateman Gillmor Lowery (CA)
Bennett Gilman Machtley
Bentley Gingrich Marlenee
Bereuter Goodling Martin
Billrakis Goss McCandless
Bliley Gradison McCollum
Boehner Grandy McCreery
Brewster Green McDade
Broomfield Gunderson McEwen
Bunning Hall (TX) McGrath
Burton Hammerschmidt McMillan (NC)
Byron Hancock Meyers
Callahan Hansen Michel
Camp Hastert Miller (OH)
Campbell (CA) Hefley Miller (WA)
Coble Hergen Molinari
Coleman (MO) Hobson Montgomery
Combest Holloway Moorhead
Condit Hopkins Morrison
Coughlin Houghton Neal (NC)
Cox (CA) Hucksby Nichols
Crane Hunter Nussle
Cunningham Hutto Orton
Dannemeyer Hyde Oxley
DeLay Inhofe Packard
Dickinson Ireland Parker
Doolittle Jacobs Paxon
Dornan (CA) James Petri
Dreier Johnson (TX) Porter
Duncan Kasich Pursell
Emerson Klug Quillen
Ewing Kolbe Ramstad

- Ravenel Shays Thomas (CA)
Regula Skeen Thomas (WY)
Rhodes Slattery Upton
Riggs Smith (OR) Vander Jagt
Roberts Smith (TX) Vucanovich
Rogers Snowe Walker
Rohrabacher Solomon Weber
Ros-Lehtinen Spence Weldon
Roth Stearns Wolf
Roukema Stenholm Wylie
Saxton Stump Young (AK)
Schaefer Sundquist Young (FL)
Sensenbrenner Tauzin Zeliff
Shaw Taylor (NC) Zimmer

NOES—246

- Abercrombie Guarini Pastor
Ackerman Hall (OH) Patterson
Anderson Hamilton Payne (NJ)
Andrews (ME) Harris Payne (VA)
Andrews (NJ) Hatcher Pease
Andrews (TX) Hayes (IL) Pelosi
Annunzio Hefner Peterson (FL)
Anthony Henry Peterson (MN)
Applegate Hertel Pickett
Aspin Hoagland Pickle
Atkins Hochbrueckner Poshard
Bacchus Horn Price
Beilenson Horton Rahall
Berman Hoyer Rangel
Bevill Hubbard Ray
Bilbray Hughes Reed
Boehlert Jenkins Richardson
Bonior Johnson (CT) Ridge
Borski Johnson (SD) Rinaldo
Boucher Johnston Ritter
Brooks Jontz Roe
Brown Kanjorski Roemer
Bruce Kaptur Rose
Bryant Kennedy Rostenkowski
Bustamante Kennelly Rowland
Campbell (CO) Kildee Roybal
Cardin Kleczka Russo
Carper Cardin Kolter Sabo
Carr Kopetski Sanders
Chapman Kostmayer Sangmeister
Clay LaFalce Santorum
Clement Lancaster Sarpalius
Coleman (TX) Lantos Sawyer
Collins (IL) LaRocco Scheuer
Collins (MI) Laughlin Schiff
Cooper Lehman (CA) Schroeder
Costello Lehman (FL) Schumer
Cox (IL) Levin (MI) Serrano
Coyne Levine (CA) Sharp
Cramer Lewis (GA) Sikorski
Darden Lipinski Sisisky
de la Garza Lloyd Skaggs
DeFazio Long Skelton
DeLauro Lowey (NY) Slaughter
Dellums Luken Smith (FL)
Derrick Manton Smith (IA)
Dicks Markey Smith (NJ)
Dingell Martinez Spratt
Dixon Matsui Staggers
Donnelly Mavroules Stallings
Doonley Mazzoli Stark
Dorgan (ND) McCloskey Studds
Downey McCurdy Sweet
Durbine McDermott Swift
Dwyer McHugh Synar
Dymally McMillen (MD) Tallon
Early McNulty Tanner
Eckart Mfume Taylor (MS)
Edwards (CA) Miller (CA) Thomas (GA)
Edwards (TX) Mineta Thornton
Engel Mink Torres
English Moakley Torricelli
Erdreich Mollohan Towns
Espy Moody Traficant
Evans Moran Traxler
Fascell Morella Unsold
Fazio Mrazek Valentine
Feighan Murphy Vento
Flake Murtha Visclosky
Ford (MI) Natcher Volkmer
Ford (TN) Neal (MA) Walsh
Frank (MA) Nowak Washington
Frost Oaker Waters
Gaydos Oberstar Waxman
Gejdenson Obey Wheat
Gephardt Olin Williams
Geren Olver Wilson
Gibbons Ortiz Wise
Glickman Owens (NY) Wolpe
Gonzalez Owens (UT) Wyden
Gordon Pallone Yates
Panetta Yatron