

**PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE CERTAIN REPORTS**

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the House Committee on Agriculture may have until midnight tonight to file reports on H.R. 8529, as amended, the Rice Production Act of 1975, and Senate Joint Resolution 121, as amended, to provide for quarterly adjustments in the support price for milk, and H.R. 10073, the rabbit meat inspection bill.

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

There was no objection.

**ANNOUNCEMENT AS TO VOTE**

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

Mr. DANIELSON. Mr. Speaker, I missed rolcall Nos. 612 and 613. I wish the RECORD to show how I would have voted on these questions had I been present.

THURSDAY, OCTOBER 9, 1975

Rolcall No. 612. An amendment to H.R. 200, to extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry, which sought to allow the President to suspend the provisions regarding enforcement if he deems it is in the national interest. I would have voted "aye."

Rolcall No. 113. H.R. 200, to extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry. I would have voted "nay."

**REMOVAL OF JAMES R. SCHLESINGER**

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

Mr. FINDLEY. Mr. Speaker, the removal of James R. Schlesinger as Secretary of Defense is a great loss to the country. The Secretary was a leavening force within the administration and was, in addition, uniquely equipped for the position he held. He brought great rigor, imagination, and insight to the office of Secretary of Defense; he brought, as well, a deep and learned understanding of nuclear technology, the strategic force posture, organizations and planning, and indeed, all elements of national defense.

Secretary Schlesinger was especially well-qualified to deal with such complex matters as the limitation and control of strategic armaments, knowing the technical and political importance of distinctions which others might dismiss as "irrelevant." In addition, he was a man of great conviction and personal rectitude in a period of moral confusion. No administration could ask for more.

One can only hope that the policies being advanced by Secretary Schlesinger—a more rational defense posture for Europe; the maintenance of a strong

strategic posture for the United States; an increasing role for technologies of precision and discrimination in weaponry—will be carried on by his successor with comparable vigor and forthrightness.

We now owe it to our country to look searchingly and critically at the emerging outline of the Salt II agreement, and in that examination the role of the Congress becomes even more important.

**PERSONAL EXPLANATION**

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

Mr. ROBINSON. Mr. Speaker, on Friday last, I was necessarily absent on official business in connection with my duties as Chairman of the Board of Visitors to the U.S. Air Force Academy.

I was properly recorded as paired against the bill, H.R. 10024, to extend the authority for the flexible regulation of interest rates on deposits and share accounts in depository institutions, to extend the National Commission on Electronic Fund Transfers, and to provide for home mortgage disclosure. Had a recorded vote been taken on the motion of the gentleman from California (Mr. TALCOTT) to recommit the bill to the Committee on Banking, Currency and Housing with instructions, I would have been recorded as paired for the motion.

Had I been present when the vote was taken on the amendment offered by the gentleman from Georgia (Mr. STEPHENS), to strike section 103 of the bill, which would have authorized negotiable order of withdrawal accounts—known as NOW accounts—I would have voted "aye," and I was glad to note that the amendment of the gentleman from Georgia was approved by a substantial margin.

**SCHLESINGER'S DEPARTURE LOSS TO COUNTRY**

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

Mr. HAYS of Ohio. Mr. Speaker, for the past few weeks I have been telling audiences that the President's Cabinet consisted of two very brilliant men and eight nonentities. I hope it will not be one and nine.

To prove to the Members that the rest of them are nonentities, I addressed an audience of 1,200 people on Friday night in Ohio, and I made that statement. I said, "I have a crisp new \$100 bill in my pocket for anybody in this audience who will bring me a list of the President's Cabinet within the next 10 minutes." Nobody came by to collect the \$100 because nobody knew them—outside of Mr. Butz, and he is not favorably known.

They do not do much; they do not make any impact, and I just wonder what is going to happen.

I thought Mr. Schlesinger was doing a great job as Secretary of Defense. At least, he kept Congress informed of what was going on. I thought his posture made good sense.

I think his departure is a loss to the

country and to the American people, and I am sad to see him go.

**THE PRESIDENT HAS THE CONSTITUTIONAL RIGHT TO CHOOSE HIS CABINET**

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

Mr. RHODES. Mr. Speaker, I, of course, was interested in the comments of my good friend, the gentleman from Ohio, concerning the President's Cabinet. I think the gentleman would agree with me that the authority and the right to pick his own Cabinet has rested in every Chief Executive right up to the present time. I do not think that there is any intent on the part of the gentleman from Ohio, nor certainly on my part, to change that.

I agree with the gentleman from Ohio as to the competence and excellence of Mr. Schlesinger. I think he is a completely competent individual. He has been a good Secretary of Defense; but on the other hand I have no quarrel with the President if the President wants to put somebody else into this particular position. It is his duty; it is constitutional; it is his responsibility.

While I certainly have no quarrel with the gentleman for commenting on the quality of the President's Cabinet, if that is the way he feels; nevertheless, I think we should make it plain that it is the President's Cabinet, and it is up to him to decide the identities of the people with whom he wants to serve.

Mr. HAYS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Ohio.

Mr. HAYS of Ohio. I thank the gentleman for yielding.

I would not disagree with the gentleman. The President has the right to pick anybody he wants. I am sad that he picked some of the people that he did.

Mr. RHODES. I understand the gentleman's point; I, of course, disagree with it most heartily.

**ANNOUNCEMENT BY THE SPEAKER**

The SPEAKER pro tempore. Pursuant to the provisions of clause 3(b) of rule XXVII, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to, under clause 4 of rule XV.

After all motions to suspend the rules have been entertained and debated, and after those motions to be determined by "nonrecord" votes have been disposed of, the Chair will then put the question on each motion on which the further proceedings were postponed.

**AMENDING FEDERAL RULES OF EVIDENCE AND FEDERAL RULES OF CRIMINAL PROCEDURE**

Mr. HUNGATE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9915) to make technical amendments to the Federal Rules of Evidence,

the Federal Rules of Criminal Procedure, and to related provisions of titles 18 and 28 of the United States Code, is amended.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Federal Rules of Evidence (Public Law 93-595; 88 Stat. 1926 et seq.) are amended as follows:

(1) In the table of contents, in the item relating to rule 106, by striking out "on" and inserting "or" in lieu thereof.

(2) In the table of contents, in the item relating to rule 301, by inserting "in" immediately after "general".

(3) In the table of contents, in the item relating to rule 405(a), by inserting "or opinion" immediately after "Reputation" but before the period.

(4) In the table of contents, by amending the item relating to rule 410 to read as follows:

"Rule 410. Inadmissibility of pleas, offers of pleas, and related statements."

(5) In the table of contents in the item relating to rule 501, by striking out "General Rule." and inserting "General rule." in lieu thereof.

(6) In the table of contents, in the item relating to rule 608(a), by striking out "Reputation" and inserting "Opinion and reputation" in lieu thereof.

(7) In the table of contents, in the item relating to rule 901(b)(8), by striking out "compilations" and inserting "compilation" in lieu thereof.

(8) In the table of contents, in the item relating to rule 1101(c), by striking out "Rules" and inserting "Rule" in lieu thereof.

(9) By amending rule 410 to read as follows:

"Rule 410. Inadmissibility of Pleas, Offers of Pleas, and Related Statements

"Except as otherwise provided in this rule, evidence of a plea of guilty, later withdrawn, or a plea of nolo contendere, or of an offer to plead guilty or nolo contendere to the crime charged or any other crime, or of statements made in connection with, and relevant to, any of the foregoing pleas or offers, is not admissible in any civil or criminal proceeding against the person who made the plea or offer. However, evidence of a statement made in connection with, and relevant to, a plea of guilty, later withdrawn, a plea of nolo contendere, or an offer to plead guilty or nolo contendere to the crime charged or any other crime, is admissible in a criminal proceeding for perjury or false statement if the statement was made by the defendant under oath, on the record, and in the presence of counsel."

(10) In the final sentence of rule 606(b), by striking out "what" and inserting "which" in lieu thereof.

(11) In the catchline of rule 803(23) by inserting a comma immediately after "family".

(12) In the catchline of rule 804, by striking out the colon and inserting a semicolon in lieu thereof.

(13) In the final sentence of rule 804(b)(3), by striking out "admissible" and inserting "admissible" in lieu thereof.

(14) In rule 1101(e), by striking out "admiralty" and inserting "admiralty" in lieu thereof.

Sec. 2. Section 2076 (relating to rules of evidence) of title 28 of the United States Code is amended by inserting a period at the end thereof.

Sec. 3. Section 3491 (relating to authentication of foreign documents) of title 18 of the United States Code is amended by striking out "the requirements of section 1732 of title 28" and inserting "the authentication requirements of the Federal Rules of Evidence" in lieu thereof.

Sec. 4. Section 3492(a) (relating to authentication of foreign documents) of title 18 of the United States Code is amended by striking out "the requirements of section 1732 of title 28" and inserting "the authentication requirements of the Federal Rules of Evidence" in lieu thereof.

Sec. 5. The Federal Rules of Criminal Procedure (as amended by the Federal Rules of Criminal Procedure Amendments Act of 1975) are further amended by striking out paragraph (4) of rule 16(a) and paragraph (3) of rule 16(b).

The SPEAKER pro tempore. Is a second demanded?

Mr. WIGGINS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. HUNGATE) will be recognized for 20 minutes and the gentleman from California (Mr. WIGGINS) will be recognized for 20 minutes. The Chair recognizes the gentleman from Missouri.

Mr. HUNGATE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 9915 makes technical and conforming amendments to the Federal Rules of Evidence, to certain provisions of titles 18 and 28 of the United States Code that are related to the Federal Rules of Evidence, and to the Federal Rules of Criminal Procedure. Let me stress that the bill makes no changes in the substance of any of the provisions it deals with. It makes spelling, punctuation, and conforming changes but not changes of substance.

The bill has bipartisan support and no opposition of which I am aware. Indeed, the bill was drafted by the staff of the Subcommittee on Criminal Justice working in close cooperation with the Justice Department.

I will briefly outline the changes that the bill will make and comment upon some of the more noteworthy ones. Section 1 of the bill makes changes in the Federal Rules of Evidence. Some of the changes correct misspelled words, some conform table of contents entries with actual titles of rules, and some make punctuation changes. The most noteworthy change involves rule 410, which deals with the use at trial of statements made during plea negotiations, often termed "plea bargaining."

When the 93d Congress enacted the Federal Rules of Evidence, it was agreed that the issues raised by rule 410 would be dealt with by the 94th Congress during its disposition of certain amendments to the Federal Rules of Criminal Procedure. Thus, rule 410, as it presently reads, provides that it—shall be superseded by any amendment to the Federal Rules of Criminal Procedure which is inconsistent with this rule, and which takes effect after the date of enactment of the Act establishing these Federal Rules of Evidence [January 2, 1975].

Last July 31, Public Law 94-64 became effective. It amended the Federal Rules of Criminal Procedure. One of the amendments it made was to rule 11(e)(6) of the rules of criminal procedure, which deals with the use at trial of statements made during plea negotiating.

Rule 11(e)(6) is inconsistent with rule 410 of the rules of evidence and therefore supersedes it.

H.R. 9915 proposes to change rule 410, which now has been superseded. The bill will delete the present language and add new language so that the provisions of rule 410 will be identical to the provisions of rule 11(e)(6) of the Federal Rules of Criminal Procedure.

Section 2 of H.R. 9915 inserts an omitted period at the end of section 2076 of title 28, United States Code, which relates to rules of evidence.

Section 3 of the bill corrects a cross-reference in section 3491 of title 18, United States Code. Section 3491 relates to authenticating foreign documents and contains a cross-reference to a section of title 28, United States Code, that was repealed when the Federal Rules of Evidence were enacted. It is therefore necessary to correct the cross-reference to refer to the relevant provisions of the Federal Rules of Evidence.

Section 4 of H.R. 9915 corrects a cross-reference in section 3492 of title 18, United States Code. The reason is the same as I have just stated.

Section 5 of H.R. 9915 strikes two paragraphs of rule 16 of the Federal Rules of Criminal Procedure. These two paragraphs are unnecessary in light of recent congressional action with regard to rule 16. As you may recall, it was proposed to amend rule 16 to provide that each party, prosecutor and defendant, had to give the other party a list of its witnesses prior to trial. The House agreed to this provision, the Senate did not, and the conference report adopted the Senate position. Both Houses approved the conference report, so the witness list requirement was dropped from rule 16. Two paragraphs in rule 16 dealing with collateral aspects of the witness list requirement were not struck from the rule at the time the conference report was agreed to. Section 5 of this bill will strike these two paragraphs.

Mr. Speaker, I urge my colleagues to vote to suspend the rules and pass H.R. 9915.

Mr. Speaker, I reserve the balance of my time.

Mr. WIGGINS. Mr. Speaker, I rise in support of H.R. 9915 which merely makes technical changes to the Federal Rules of Evidence, the Federal Rules of Criminal Procedure, and to related provisions of the United States Code.

Spelling errors are corrected, grammatical mistakes are changed, and passages no longer applicable are deleted or substituted in order to conform to controlling sections of the United States Code. For example, the present rule 410 of the Federal Rules of Evidence has been superseded by rule 11(e)(6) of the Federal Rules of Criminal Procedure. One of the provisions of H.R. 9915 replaces the obsolete rule 410 with the exact words of section 11(e)(6) of the Rules of Criminal Procedure in order to avoid confusing cross references.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Speaker, I rise in support of H.R. 9915 making technical changes to the Federal Rules of Evidence,

the Federal Rules of Criminal Procedure, and related provisions of the United States Code.

As my colleague from California has stated, the bill merely makes corrections and does not work any substantive revisions. Spelling errors and grammatical mistakes are changed, while obsolete passages are deleted or substituted to reflect the controlling statutory law.

Mr. WIGGINS. Mr. Speaker, I reserve the balance of my time.

Mr. HUNGATE. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore (Mr. MCFALL). The question is on the motion offered by the gentleman from Missouri (Mr. HUNGATE) that the House suspend the rules and pass the bill (H.R. 9915), as amended.

The question was taken.

Mr. CHARLES H. WILSON of California. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 3 of rule XXVII and the chair's prior announcement, further proceedings on this motion will be postponed.

#### CALL OF THE HOUSE

Mr. FORD of Tennessee. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. CHARLES H. WILSON of California. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 659]

Abzug	Fraser	Patten N.J.
Addabbo	Frey	Perkins
Andrews, N.C.	Glaimo	Peyster
Annunzio	Gonzalez	Poage
Barrett	Harkin	Richmond
Bell	Harrington	Risenhoover
Biaggi	Harsha	Rose
Boland	Hébert	Rosenthal
Broadhead	Helstoski	Rostenkowski
Burke, Fla.	Holtzman	Rousselot
Carney	Jarman	Ruppe
Casey	Kemp	Sarbanes
Chisnolm	Koch	Scheuer
Cleveland	Lent	Shuster
Conyers	Litton	Smith, Iowa
Corman	McEwen	Snyder
Cotter	Matsunaga	Stanton,
Coughlin	Mazzoli	James V.
Dent	Melcher	Stuckey
Diggs	Meyner	Udall
Early	Milford	Ullman
Eilberg	Moffett	Walsh
Esch	Morgan	Whitten
Eshleman	Mottl	Wirth
Fary	Murphy, Ill.	Wolf
Fish	Murphy, N.Y.	Wyder
Flood	Murtha	Yatron
Flowers	Nix	Young, Ga.
Fountain	O'Neill	Zeferetli

The SPEAKER pro tempore. On this rollcall 347 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

#### DÉTENTE CONTINUES TO TAKE ITS TOLL

(Mr. GOLDWATER asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. GOLDWATER. Mr. Speaker, I am dismayed at the firing of the Secretary of Defense James R. Schlesinger. It is one thing for a President to expect loyalty and support from the members of his Cabinet after he makes an official decision. It is quite another matter for his personnel decisions to become embroiled in the strugglings between his chief aids. From what is now known about this unfortunate situation, Secretary Kissinger has won out in a struggle with Secretary Schlesinger over détente and the American policies and practices that relate to it.

Apparently, the President and/or Secretary Kissinger cannot stand the articulate, reasoned, and determined loyal opposition of Mr. Schlesinger within the Cabinet. There is no evidence that the Secretary of Defense has violated any of the bounds of loyalty, propriety, or service. His "sin" appears to be his refusal to accept the chimera of détente that Henry Kissinger is so busily trying to palm off on the White House and the American people. Mr. Schlesinger wants a strong, well defended America. He wants a nation that can advocate peace from a position of strength. He cannot give up the idea that ideology is still an important element in Communist thinking and action.

No matter what was and is President Ford's intention in this matter, the inexcusable result will be the discouragement of informed, independent thinking within the Cabinet. Lack of well-reasoned, articulate dissent is as stultifying to healthy decisionmaking as the denial of water is to the proper growth of plants. With Secretary Schlesinger in the Cabinet America stood some chance of having the "clouds" of foreign policy decisionmaking intelligently seeded. With him gone. Secretary Kissinger will stand unopposed. There will be no effective advocate to challenge his grand design, to ask timely questions, to oppose when it is healthy and necessary. Given that climate, Kissinger may well be able to proceed unimpeded in his pursuit of the elusive chimera of détente. The fate of America hangs in the balance.

#### IMPLEMENTING PATENT COOPERATION TREATY

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 24) to carry into effect certain provisions of the Patent Cooperation Treaty, and for other purposes.

The Clerk read as follows:

S. 24

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 35, United States Code, entitled "Patents", be amended by adding at the end thereof a new part IV to read as follows:*

#### "PART IV.—PATENT COOPERATION TREATY

##### "Chapter 35.—DEFINITIONS

"Sec.

"§ 351. Definitions

"When used in this part unless the context otherwise indicates—

"(a) The term 'treaty' means the Patent

Cooperation Treaty done at Washington, on June 19, 1970, excluding chapter II thereof.

"(b) The term 'Regulations', when capitalized, means the Regulations under the treaty excluding part C thereof, done at Washington on the same date as the treaty. The term 'regulations', when not capitalized, means the regulations established by the Commissioner under this title.

"(c) The term 'international application' means an application filed under the treaty.

"(d) The term 'international application originating in the United States' means an international application filed in the Patent Office when it is acting as a Receiving Office under the treaty, irrespective of whether or not the United States has been designated in that international application.

"(e) The term 'international application designating the United States' means an international application specifying the United States as a country in which a patent is sought, regardless where such international application is filed.

"(f) The term 'Receiving Office' means a national patent office or intergovernmental organization which receives and processes international applications as prescribed by the treaty and the Regulations.

"(g) The term 'International Searching Authority' means a national patent office or intergovernmental organization as appointed under the treaty which processes international applications as prescribed by the treaty and the Regulations.

"(h) The term 'International Bureau' means the international intergovernmental organization which is recognized as the coordinating body under the treaty and the Regulations.

"(i) Terms and expressions not defined in this part are to be taken in the sense indicated by the treaty and the Regulations.

#### "Chapter 36.—INTERNATIONAL STAGE

"Sec.

"361. Receiving Office.

"362. International Searching Authority.

"363. International application designating the United States: Effect.

"364. International stage: Procedure.

"365. Right of priority; benefit of the filing date of a prior application.

"366. Withdrawn international application.

"367. Actions of other authorities: Review.

"368. Secrecy of certain inventions; filing international applications in foreign countries.

"§361. Receiving Office

"(a) The Patent Office shall act as a Receiving Office for international applications filed by nationals or residents of the United States. In accordance with any agreement made between the United States and another country, the Patent Office may also act as a Receiving Office for international applications filed by residents or nationals of such country who are entitled to file international applications.

"(b) The Patent Office shall perform all acts connected with the discharge of duties required of a Receiving Office, including the collection of international fees and their transmittal to the International Bureau.

"(c) International applications filed in the Patent Office shall be in the English language.

"(d) The basic fee portion of the international fee, and the transmittal and search fees prescribed under section 378(a) of this part, shall be paid on filing of an international application. Payment of designation fees may be made on filing and shall be made not later than one year from the priority date of the international application.

"§362. International Searching Authority

"The Patent Office may act as an International Searching Authority with respect to international applications in accordance with the terms and conditions of an agreement which may be concluded with the International Bureau.

There is no opposition to this, as the chairman said, not merely within the United States, but in the developing nations. They are very enthusiastic about this particular bill.

My particular congressional district specializes in high-technology industry, in electronics, in computer science, and in optics.

This bill would be needed and is strongly endorsed by corporations in the high-technology area.

The example of the United States ratifying this treaty will give a signal to other highly industrialized nations so that worldwide cooperation in this area will, hopefully, follow very soon.

Mr. Speaker, I urge an affirmative vote on S. 24.

Mr. KASTENMEIER. Mr. Speaker, I have no further requests for time.

Mr. RAILSBACK. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. MILLER).

Mr. MILLER of Ohio. Mr. Speaker, I would like to ask the chairman of the committee this question: What will this legislation accomplish that we don't already have? Our Patent Office at the present time will cross-file with other patent offices for reference in other countries. How will it affect us any differently if we would have an international patent system? For instance, if a patent is filed in this country, we also would find that it would be necessary to refer to patents in France or Britain, as an example. How would we be affected differently from what we are doing right now?

Mr. KASTENMEIER. If the gentleman will yield, this provides machinery for those member nations whereby, for example, in this country an individual or corporation could file an initial application here, and it would be processed as though it would have been made in a number of other member nations abroad which could be specially designated.

A 20-month period is established in which priority would be given to that applicant with a single application. At a later stage, not later than 20 months, that patent could be perfected in the other countries but prior to that there would be no necessity for the applicant for moving beyond Washington in terms of filing those applications.

Mr. MILLER of Ohio. If a patent application is filed in the United States under this new program, is it necessary to file separate applications in the other countries. Now if they would file one application does that mean they would automatically be filed for a patent in every member country?

Mr. KASTENMEIER. They would automatically be filed for a patent in so-called designated countries, those countries which are designated on the original application in this country, in which you have designated an interest. That is all you would be required to do. It would therefore obviate the necessity of making filings in other countries in which you might have an interest.

Mr. MILLER of Ohio. Then is the gentleman saying that you would receive one patent, or you would receive a patent from each one of the member countries?

Mr. KASTENMEIER. In due course patents would have to be perfected and

would have to be completed, and these would have to be filed in each of the countries, but you would have an extended period of time from having to undergo the rather expensive translations in other countries in perfecting that particular application. You would have to obtain patents in those countries. But the initial filing and the initial fee paid, and, in fact, the regulations under this bill for individual filing for a U.S. patent application, interested in international filings, would be very substantially reduced, so that really one filing process would be sufficient rather than a series of duplicative processes.

Mr. MILLER of Ohio. When an American citizen files for a patent that application would indicate exactly the technology that they were covering. Would this mean that we would then give that information to other people in other countries?

We perhaps have the highest amount of patent applications filed for, right in this country, and we are moving along fast in new technologies. Will this, in turn, turn over our corporate and our individual ideas to people in other countries and create additional foreign competition because of that?

Mr. KASTENMEIER. The gentleman from Ohio has a very good question. I am not an expert in patent law but I would say to the gentleman that the United States has three reservations under the treaty. One of them has to do with publication, that is international publication. I think that goes to the gentleman's question. Presumably the purpose of that reservation is to withhold that sort of information that the original patent applicant desires to withhold. We have reserved this under the treaty. In other words, present American substantive law in that regard is not changed.

Mr. MILLER of Ohio. What about patents that would affect our international security, or our military? And some of those ideas are patented, would that automatically fall into the hands of all of the member nations?

Mr. KASTENMEIER. If the gentleman will yield further, I think the same answer applies, that is to say, this reveals nothing internationally which is not now revealed or is not now protected.

Mr. MILLER of Ohio. I thank the gentleman.

Mr. DRINAN. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Ohio. I yield to the gentleman from Massachusetts.

Mr. DRINAN. I thank the gentleman for yielding.

I think section 17 of the bill is relevant to this in that every contracting State can take steps to preserve its own national security, and there are elaborate provisions made so that no secret thing developed in the interest of national security need be revealed to any foreign power.

Mr. MILLER of Ohio. I thank the gentleman.

Mr. KASTENMEIER. Mr. Speaker, I have no further requests for time.

Mr. RAILSBACK. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The ques-

tion is on the motion offered by the gentleman from Wisconsin (Mr. KASTENMEIER) that the House suspend the rules and pass the Senate bill S. 24.

The question was taken.

Mr. LATTA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to the provisions of clause 3 of rule XXVII and the Chair's prior announcement, further proceedings on this motion will be postponed.

Does the gentleman from Ohio withdraw his point of order of no quorum? Mr. LATTA. I do, Mr. Speaker.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 3, rule XXVII, the Chair will now put the question, on each motion on which further proceedings were postponed, in the order in which the motion was entertained.

#### AMENDING FEDERAL RULES OF EVIDENCE AND FEDERAL RULES OF CRIMINAL PROCEDURE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill H.R. 9915, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. HUNGATE) that the House suspend the rules and pass the bill H.R. 9915, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 360, nays 0, answered "present" 1, not voting 72, as follows:

[Roll No. 660]

YEAS—360

Abdnor	Broomfield	Davis
Adams	Brown, Calif.	de la Garza
Alexander	Brown, Mich.	Delaney
Ambro	Brown, Ohio	Dellums
Anderson,	Broyhill	Derrick
Calif.	Buchanan	Derwinski
Anderson, Ill.	Burgener	Devine
Andrews,	Burke, Calif.	Dickinson
N. Dak.	Burke, Mass.	Diggs
Archer	Burleson, Tex.	Dingell
Armstrong	Burlison, Mo.	Dodd
Ashbrook	Burton, John	Downey, N.Y.
Ashley	Burton, Phillip	Downing, Va.
Aspin	Butler	Drinan
AuCoin	Byron	Duncan, Ore.
Badillo	Carr	Duncan, Tenn.
Bafalis	Carter	du Pont
Baldus	Casey	Eckhardt
Baucus	Cederberg	Edgar
Bauman	Chappell	Edwards, Ala.
Beard, R.I.	Chisholm	Edwards, Calif.
Beard, Tenn.	Clancy	Emery
Bedell	Clausen,	English
Bennett	Don H.	Erlenborn
Bergland	Clawson, Del	Evans, Colo.
Bevill	Clay	Evans, Ind.
Biester	Cochran	Evans, Tenn.
Bingham	Cohen	Fascell
Blanchard	Collins, Ill.	Fenwick
Blouin	Collins, Tex.	Findley
Boggs	Conable	Fisher
Bolling	Conlan	Fithian
Bonker	Conte	Florio
Bowen	Cornell	Flynt
Brademas	Crane	Foley
Breaux	Daniel, Dan	Ford, Mich.
Breckinridge	Daniel, E. W.	Ford, Tenn.
Brinkley	Daniels, N.J.	Forsythe
Brooks	Danielson	Frenzel

Fuqua	McCloskey	Roe
Gaydos	McCollister	Rogers
Gialmo	McCormack	Roncallo
Gibbons	McDade	Rooney
Gilman	McDonald	Roush
Ginn	McFall	Roybal
Goodling	McHugh	Runnels
Gradison	McKay	Russo
Grassley	McKinney	Ryan
Green	Macdonald	St Germain
Gude	Madden	Santini
Guyer	Madigan	Sarasin
Hagedorn	Maguire	Sarbanes
Haley	Mahon	Satterfield
Hall	Mann	Schneebeli
Hamilton	Martin	Schroeder
Hammer-	Mathis	Schulze
schmidt	Matsunaga	Sebelius
Hanley	Meeds	Selberling
Hannaford	Metcalf	Sharp
Hansen	Meyner	Shiple
Harris	Mezvinsky	Shriver
Harsha	Michel	Sikes
Hastings	Mikva	Simon
Hawkins	Miller, Calif.	Sisk
Hayes, Ind.	Miller, Ohio	Skubitz
Hays, Ohio	Mills	Slack
Hechler, W. Va.	Mineta	Smith, Nebr.
Heckler, Mass.	Minish	Solarz
Hefner	Mink	Spellman
Heinz	Mitchell, Md.	Spence
Henderson	Mitchell, N.Y.	Staggers
Hicks	Moakley	Stanton
Hightower	Moffett	J. William
Hillis	Mollohan	Stark
Hinshaw	Montgomery	Steed
Holland	Moore	Steelman
Holt	Moorhead, Calif.	Steiger, Ariz.
Horton	Moorhead, Pa.	Steiger, Wis.
Howard	Mosher	Stephens
Howe	Moss	Stokes
Hubbard	Myers, Ind.	Stratton
Hughes	Myers, Pa.	Studds
Hungate	Natcher	Sullivan
Hutchinson	Neal	Symington
Hyde	Nedzi	Symms
Ichord	Nichols	Talcott
Jacobs	Nolan	Taylor, Mo.
Jarman	Nowak	Taylor, N.C.
Jeffords	Oberstar	Teague
Jenrette	Obey	Thompson
Johnson, Calif.	O'Brien	Thone
Johnson, Colo.	O'Hara	Thornton
Johnson, Pa.	Ottinger	Traxler
Jones, Ala.	Passman	Treen
Jones, N.C.	Patman, Tex.	Tsongas
Jones, Okla.	Patterson, Calif.	Udall
Jones, Tenn.	Pattison, N.Y.	Van Deerlin
Jordan	Pepper	Vander Jagt
Karsh	Pettis	Vander Veen
Kasten	Pickle	Vanik
Kastenmeier	Pike	Vigorito
Kazen	Poage	Waggonner
Kelly	Pressler	Wampler
Kemp	Preyer	Waxman
Ketchum	Price	Weaver
Keys	Pritchard	Whalen
Kindness	Quile	White
Krebs	Quillen	Whitehurst
Krueger	Railsback	Wiggins
LaFalce	Randall	Wilson, Bob
Lagomarsino	Rangel	Wilson, C. H.
Landrum	Rees	Wilson, Tex.
Latta	Regula	Winn
Leggett	Reuss	Wirth
Lehman	Rhodes	Wylie
Levitass	Riegle	Yates
Lloyd, Calif.	Rinaldo	Young, Alaska
Lloyd, Tenn.	Risenhoover	Young, Fla.
Long, La.	Roberts	Young, Tex.
Long, Md.	Robinson	Zablocki
Lott	Rodino	
Lujan		
McClory		

NAYS—0

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—72

Abzug	Cotter	Frey
Addabbo	Coughlin	Goldwater
Andrews, N.C.	D'Amours	Harkin
Annunzio	Dent	Harrington
Barrett	Early	Hébert
Bell	Kilberg	Helstoski
Blaggi	Esch	Holtzman
Boland	Eshleman	Koch
Brodhead	Fary	Lent
Burke, Fla.	Fish	Litton
Carney	Flood	McEwen
Cleveland	Flowers	Mazzoli
Conyers	Fountain	Melcher
Corman	Fraser	Miford

Morgan	Rose	Stuckey
Mottl	Rosenthal	Ullman
Murphy, Ill.	Rostenkowski	Walsh
Murphy, N.Y.	Rousselot	Whitten
Murtha	Ruppe	Wolf
Nix	Scheuer	Wylder
O'Neill	Shuster	Yatron
Patten, N.J.	Smith, Iowa	Young, Ga.
Perkins	Snyder	Zerferetti
Peyster	Stanton,	
Richmond	James V.	

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Early.  
 Mr. Addabbo with Mr. Flowers.  
 Mr. Hébert with Mr. Fraser.  
 Mr. Zeferetti with Mr. Litton.  
 Mr. Eilberg with Mr. Richmond.  
 Mr. Patten with Mr. Scheuer.  
 Mr. Fountain with Mr. Smith of Iowa.  
 Mr. Barrett with Mr. Whitten.  
 Mr. Blaggi with Mr. Yatron.  
 Mr. Cotter with Mr. Eshleman.  
 Mr. Murphy of New York with Mr. Esch.  
 Mr. Mottl with Mr. Bell.  
 Mr. Morgan with Mr. Rousselot.  
 Mr. Murtha with Mr. Andrews of North Carolina.  
 Mr. Nix with Mr. Ruppe.  
 Mr. Boland with Mr. Lent.  
 Mr. Rosenthal with Mr. Ullman.  
 Mr. Rostenkowski with Mr. Fish.  
 Mr. James V. Stanton with Mr. Burke of Florida.  
 Mr. Mazzoli with Mr. Shuster.  
 Mr. Koch with Mr. Stuckey.  
 Ms. Holtzman with Mr. Milford.  
 Mr. Flood with Mr. Cleveland.  
 Mr. Melcher with Mr. McEwen.  
 Mr. Carney with Mr. Snyder.  
 Mr. Conyers with Mr. Harkin.  
 Mr. Dent with Mr. Frey.  
 Mr. Harrington with Mr. Coughlin.  
 Mr. Rose with Mr. Walsh.  
 Mr. Brodhead with Mr. Wylder.  
 Mr. Corman with Mr. Young of Georgia.  
 Mr. Fary with Mr. D'Amours.  
 Ms. Abzug with Mr. Helstoski.  
 Mr. Murphy of Illinois with Mr. Wolff.  
 Mr. Goldwater with Mr. Perkins.  
 Mr. O'Neill with Mr. Peyster.

Mr. DEVINE changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 3(b) (3) of rule XXVII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

IMPLEMENTING PATENT COOPERATION TREATY

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill S. 24.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. KASTEN-

MEIER) that the House suspend the rules and pass the Senate bill S. 24.

Mr. LATTI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count. Two hundred seventy-five Members are present, a quorum.

Mr. LATTI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. The vote was taken by electronic device, and there were—yeas 349, nays 5, answered "present" 1, not voting 78, as follows:

[Roll No. 661]

YEAS—349

Abdnor	Derrick	Hyde
Adams	Derwinski	Ichord
Alexander	Devine	Jacobs
Ambro	Dickinson	Jeffords
Anderson,	Diggs	Jenrette
Calif.	Dingell	Johnson, Calif.
Anderson, Ill.	Dodd	Johnson, Colo.
Andrews,	Downey, N.Y.	Johnson, Pa.
N. Dak.	Downing, Va.	Jones, Ala.
Archer	Drinan	Jones, N.C.
Armstrong	Duncan, Oreg.	Jones, Okla.
Ashbrook	Duncan, Tenn.	Jones, Tenn.
Ashley	du Pont	Jordan
Aspin	Eckhardt	Karsh
AuCoin	Edgar	Kasten
Badillo	Edwards, Ala.	Kastenmeier
Bafalis	Edwards, Calif.	Kazen
Baldus	Emery	Kelly
Baucus	English	Kemp
Bauman	Erlenborn	Ketchum
Beard, R.I.	Evans, Colo.	Keys
Beard, Tenn.	Evans, Ind.	Kindness
Bedell	Evlins, Tenn.	Krebs
Bennett	Fascell	Krueger
Bergland	Fenwick	LaFalce
Bevill	Findley	Lagomarsino
Biester	Fisher	Landrum
Bingham	Fithian	Leggett
Blanchard	Florio	Lehman
Blouin	Flynt	Levitass
Boggs	Foley	Lloyd, Calif.
Bolling	Ford, Mich.	Lloyd, Tenn.
Bowen	Ford, Tenn.	Long, La.
Brademas	Forsythe	Long, Md.
Breaux	Frenzel	Lott
Breckinridge	Fuqua	Lujan
Brinkley	Gaydos	McClory
Brooks	Gialmo	McCloskey
Broomfield	Gibbons	McCollister
Brown, Calif.	Gilman	McCormack
Brown, Mich.	Ginn	McDade
Brown, Ohio	Goldwater	McDonald
Broyhill	Goodling	McFall
Buchanan	Gradison	McHugh
Burgener	Grassley	McKay
Burke, Calif.	Green	McKinney
Burke, Mass.	Gude	Macdonald
Burleson, Tex.	Guyer	Madden
Burlison, Mo.	Hagedorn	Madigan
Burton, John	Haley	Maguire
Burton, Phillip	Hall	Mahon
Butler	Hamilton	Mann
Byron	Hammer-	Martin
Carr	schmidt	Mathis
Carter	Hanley	Matsunaga
Casey	Hannaford	Meeds
Cederberg	Hansen	Metcalf
Chappell	Harris	Meyner
Clancy	Harsha	Mezvinsky
Clausen,	Hastings	Michel
Don H.	Hawkins	Mikva
Clawson, Del	Hayes, Ind.	Miller, Calif.
Clay	Hays, Ohio	Mills
Cochran	Hechler, W. Va.	Mineta
Cohen	Heckler, Mass.	Minish
Collins, Ill.	Hefner	Mink
Collins, Tex.	Heinz	Mitchell, Md.
Conable	Henderson	Mitchell, N.Y.
Conlan	Hicks	Moakley
Conte	Hightower	Moffett
Cornell	Hillis	Mollohan
Crane	Hinshaw	Montgomery
D'Amours	Holland	Moore
Daniel, Dan	Holt	Moorhead, Calif.
Daniel, R. W.	Horton	Moorhead, Pa.
Daniels, N.J.	Howard	Mosher
Danielson	Howe	Moss
Davis	Hubbard	Myers, Ind.
de la Garza	Hughes	Myers, Pa.
Delaney	Hungate	Natcher
Dellums	Hutchinson	