...to.
...tions. The
...and
...ordered to be engrossed
...a third time, and was read
...time.

MOTION TO RECOMMIT OFFERED BY MR. McCLOSKEY

r. McCLOSKEY. Mr. Speaker, I
r a motion to recommit.
he SPEAKER pro tempore. Is the
ntleman opposed to the bill?
r. McCLOSKEY. I am, Mr. Speak-

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

he Clerk read as follows:

r. McCLOSKEY moves to recommit the H.R. 4326, to the Committee on Small ness.

he SPEAKER pro tempore. With- objection, 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 tempore announced that ayes appeared to have it.
r. McCLOSKEY. Mr. Speaker, I ect to the vote on the ground that quorum is not present and make the nt of order that a quorum is not sent.
he SPEAKER pro tempore. Evi- tly a quorum is not present.
he Sergeant at Arms will notify ent Members.
he vote was taken by electronic ice, and there were—yeas 353, nays not voting 22 as follows:

[Roll No. 167]

YEAS—353

bbo	Broomfield	Dellums
a	Brown (CO)	Derrick
sta	Broyhill	Derwinski
arder	Burton, John	Dicks
gman	Burton, Phillip	Dixon
ano	Byron	Donnelly
ony	Campbell	Dorgan
leare	Carman	Dornan
ier -	Carney	Dowdy
nson	Chappell	Downey
oin	Chappie	Dreier
y (MO)	Chisholm	Duncan
y (PA)	Clausen	Dunn
ard	Clinger	Dwyer
	Coats	Dymally
	Coelho	Eckart
	Coleman	Edgar
	Collins (IL)	Edwards (CA)
	Collins (TX)	Edwards (OK)
	Conable	Emerson
	Conte	Emery
	Corcoran	English
	Courter	Erdahl
	Crane, James	Evans (DE)
	Crane	Evans (GA)
	Crockett	Evans (IA)
	D'Amours	Evans (IN)
	Daniel, R. W.	Fary
	Daschle	Fazio
	Daub	Fenwick
	Derrick	Ferraro
	Dingell	Fiedler
	Donnelly	Fields
	Dorgan	Flippo
	Dornan	Florio
	Dowdy	Foglietta
	Downey	Foley
	Dreier	Ford (MI)
	Duncan	Ford (TN)
	Dunn	Fowler
	Dwyer	Frank
	Dymally	Frenzel
	Eckart	Frost
	Edgar	Gaydos
	Edwards (CA)	Gejdenson
	Edwards (OK)	Gibbons
	Emerson	Gilman
	Emery	Gingrich
	English	Glickman
	Erdahl	Goldwater
	Evans (DE)	Gonzalez
	Evans (GA)	Goodling
	Evans (IA)	Gore
	Evans (IN)	Gray
	Fary	Green
	Fazio	Gregg
	Fenwick	Grisham
	Ferraro	Guarini
	Fiedler	Gunderson
	Fields	Hagedorn
	Flippo	Hall (OH)
	Florio	Hall, Ralph
	Foglietta	Hall, Sam
	Foley	Hamilton
	Ford (MI)	Hammerschmidt
	Ford (TN)	Hance
	Fowler	Hansen (UT)
	Frank	Harkin
	Frenzel	Hartnett
	Frost	Hatcher
	Gaydos	Hawkins
	Gejdenson	Heckler
	Gibbons	Hefner
	Gilman	Heftel
	Gingrich	Hendon
	Glickman	Hertel
	Goldwater	Hightower
	Gonzalez	Hiler
	Goodling	Hillis
	Gore	Hollenbeck
	Gray	Holt
	Green	Horton
	Gregg	Howard
	Grisham	Hoyer
	Guarini	Huckaby
	Gunderson	Hughes
	Hagedorn	Hunter
	Hall (OH)	Hutto
	Hall, Ralph	Hyde
	Hall, Sam	Ireland
	Hamilton	Jeffords
	Hammerschmidt	Jeffries
	Hance	Jenkins
	Hansen (UT)	Johnston
	Harkin	Jones (NC)
	Hartnett	Jones (OK)
	Hatcher	Jones (TN)
	Hawkins	Kastenmeier
	Heckler	Kazen
	Hefner	Kemp
	Heftel	Kennelly
	Hendon	Kildee
	Hertel	Kindness
	Hightower	Kozovsek
	Hiler	Kramer
	Hillis	LaFalce
	Hollenbeck	Lagomarsino
	Holt	Latta
	Horton	Leach
	Howard	Leath
	Hoyer	LeBoutillier
	Huckaby	Lee
	Hughes	Lehman
	Hunter	Leland
	Hutto	Lent
	Hyde	
	Ireland	
	Jeffords	
	Jeffries	
	Jenkins	
	Johnston	
	Jones (NC)	
	Jones (OK)	
	Jones (TN)	
	Kastenmeier	
	Kazen	
	Kemp	
	Kennelly	
	Kildee	
	Kindness	
	Kozovsek	
	Kramer	
	LaFalce	
	Lagomarsino	
	Latta	
	Leach	
	Leath	
	LeBoutillier	
	Lee	
	Lehman	
	Leland	
	Lent	
	Levitas	
	Lewis	
	Livingston	
	Lowery (CA)	
	Lowry (WA)	
	Lujan	
	Luken	
	Lundine	
	Lungren	
	Madigan	
	Markey	
	Marks	
	Marlenee	
	Marriott	
	Martin (IL)	
	Martin (NY)	
	Matsui	
	Mattox	
	Mavroules	
	Mazzoli	
	McClory	
	McCollum	
	McCurdy	
	McDade	
	McEwen	
	McGrath	
	McHugh	
	McKinney	
	Mica	
	Michel	
	Mikulski	
	Miller (CA)	
	Miller (OH)	
	Minish	
	Mitchell (MD)	
	Mitchell (NY)	
	Moakley	
	Moffett	
	Molinari	
	Moorhead	
	Morrison	
	Mottl	
	Murphy	
	Murtha	
	Myers	
	Napier	
	Natcher	
	Neal	
	Nelligan	
	Nelson	
	Nichols	
	Nowak	
	O'Brien	
	Oakar	
	Oberstar	
	Ottinger	
	Oxley	
	Parris	
	Pashayan	
	Patman	
	Pease	
	Pepper	
	Perkins	
	Petri	
	Peyser	
	Pickle	
	Porter	
	Price	
	Pritchard	
	Pursell	
	Rahall	
	Railsback	
	Rangel	
	Ratchford	
	Regula	
	Reuss	
	Richmond	
	Rinaldo	
	Ritter	
	Roberts (KS)	
	Roberts (SD)	
	Rodino	
	Roe	
	Rogers	
	Rose	
	Rostenkowski	
	Roth	
	Roukema	
	Rousselot	
	Roybal	
	Russo	
	Santini	
	Savage	
	Sawyer	
	Schneider	
	Schroeder	
	Schulze	
	Seiberling	
	Shamansky	
	Sharp	
	Shaw	
	Shelby	
	Shuster	
	Simon	
	Skeen	
	Skelton	
	Smith (AL)	
	Smith (IA)	
	Smith (NE)	
	Smith (NJ)	
	Smith (OR)	
	Smith (PA)	
	Snowe	
	Snyder	
	Solarz	
	Solomon	
	Spence	
	St Germain	
	Stangeland	
	Stanton	
	Stark	
	Staton	
	Stenholm	
	Stokes	
	Studds	
	Swift	
	Synar	
	Tauke	
	Tauzin	
	Thomas	
	Traxler	
	Tribie	
	Udall	
	Vander Jagt	
	Vento	
	Volkmer	
	Walgren	
	Walker	
	Washington	
	Watkins	
	Weaver	
	Weber (MN)	
	Weber (OH)	
	White	
	Whitley	
	Whittaker	
	Whitten	
	Williams (MT)	
	Williams (OH)	
	Winn	
	Wirth	
	Wolf	
	Wolpe	
	Wortley	
	Wright	
	Wyden	
	Wylie	
	Yatron	
	Young (AK)	
	Young (FL)	
	Young (MO)	
	Zablocki	
	Zeferetti	

NAYS—57

Andrews	Coyne, William	Fountain
Aspin	Crane, Daniel	Fuqua
Badham	Crane, Philip	Gephardt
Bethenson	Daniel, Dan	Gradison
Bliley	Dannemeyer	Gramm
Boucard	Dickinson	Hansen (ID)
Brooks	Dowdel	Hopkins
Brown (CA)	Dougherty	Hubbard
Burgener	Early	Jacobs
Butler	Edwards (AL)	Lantos
Chenoweth	Ertenborn	Martin (NC)
Conyers	Fazio	McCloskey
Corcoran	Ford (TN)	Mica
Courter	Fowler	Michel
Coyne, James	Frenzel	Stratton
Crane	Gaydos	Sundquist
Crockett	Gejdenson	Tauke
D'Amours	Gibbons	Walker
Daniel, R. W.	Gilman	Whitehurst
Daschle	Gingrich	Whitley
Daub	Glickman	Yates
Derrick	Goldwater	

NOT VOTING—22

Bafalis	Dyson	Panetta
Blanchard	Erlel	Rhodes
Boland	Findley	Schumer
Boiling	Garcia	Sikorski
Brown (OH)	Ginn	Weiss
Clay	Holland	Wilson
Courtlin	Mollohan	
DeNardis	Montgomery	

□ 1215

Messrs. MINETA, LANTOS, and STUMP changed their vote from "yea" 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.

□ 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 research 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 read as follows:

Mr. MITCHELL 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 1. This Act may be cited as the "Small Business Innovation Development Act of 1982".

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 States 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-effective performers of research and development and are particularly capable of

developing research and development results into new products.

(b) Therefore, the purposes of the Act are—

(1) to stimulate technological innovation;

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

(3) to foster 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 following:

"(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' opportunities to respond to solicitations;

"(6) to independently survey and monitor the operation of SBIR programs within participating Federal 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 amended 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 department as defined in section 102 of such title, except that it does not include any agency within the Intelligence Community (as the term is defined in section 3.4(f) of Executive Order 12333 or its successor orders).

"(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 program under which a portion of a Federal agency'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;

"(B) a second phase to further develop the proposed ideas to meet the particular program needs, the awarding of which shall take into consideration the scientific and technical merit and feasibility evidenced by the first phase and, where two or more proposals are evaluated as being of approximately equal scientific and technical merit and feasibility, special consideration shall be given to those 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 specific 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 Business 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 extramural budget for basic research or research and development which exceeds the percentages specified herein. Funding agreements with small business concerns for research or research and development which result from competitive or single source selections other than under a small business innovation research program shall not be counted as meeting any portion of the percentage requirements of this subsection.

"(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 Department.

"(g) Each Federal agency required by this section (1) to establish a small business innovation research program shall, in accordance with this Act and regulations issued thereunder—

"(1) unilaterally determine categories of projects to be in its SBIR 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) unilaterally 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 or 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 proposals, if appropriate; (C) protection of proprietary information provided in proposals; (D) selection of awardees; (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 business concern if such a transfer would be more cost effective than recovery of the property by the agency; (G) cost sharing; and (H) cost principles and payment schedules;

"(3) exemptions from the requirements under paragraph (2) if national security or intelligence functions clearly would be jeopardized;

"(4) minimizing regulatory burden associated with participation in the SBIR program for the small business concern which will maximize the cost-effective conduct of Federal research and development and the maximum of commercialization of the results of research and development conducted under the SBIR program; and

"(5) simplified, standardized, and timely annual report on the SBIR program to the Small Business 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 Representatives on all phases of the implementation and operation of SBIR programs within agencies 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 subsections (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.

PERSONAL EXPLANATION

Mr. DENARDIS. Mr. Speaker, on the rollcall on H.R. 4326, the Small Business Innovation 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 ENGROSSMENT OF HOUSE AMENDMENT TO S. 881, SMALL BUSINESS INNOVATION 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 engrossment of the House amendment 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 IN CONSIDERATION OF SMALL BUSINESS INNOVATION DEVELOPMENT 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. MCDADE) the ranking minority 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 Administration.

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) Subsection (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 is amended—

(1) by inserting "(1)" after "(a)";

(2) by inserting "or in any political subdivision of such State (as such subdivision existed 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 appears;

(3) by striking out "in an action for a declaratory judgment" the first place it appears 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 declaratory 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 lieu 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 purpose 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 declaratory judgment actions are pending; and