had an opportunity to take a good look at it and to make my plans to offer amendments and to oppose the bill if the bill could not be amended.

I must admit that I am guilty of oversight or forgetting about something, just like anybody else does. I neglected to mention that to the Senator when I saw him. So, perhaps my rights have been prejudiced purely as a result of my own fault; the Senator from Louisiana simply not informing the majority leader of his concern about the matter.

But I am very much concerned about this measure. I would have to oppose the measure and offer amendments, with very little preparation, to do the best I can to protect the public interest, as I see it, if the Senator insists on going forward with this measure this afternoon.

The Senator from Louisiana is the chairman of the conference on the windfall profits tax bill. That is something of a priority matter. The Senator from Louisiana would like to attend that conference right now and go back to work on resolving the differences on that bill, hoping that we might be able to resolve the differences on that bill this week. But he will not be able to do that, he will be compelled to stay here, if the Senator wants to stay with this bill.

Mr. ROBERT C. BYRD. Will the Senator answer a question?

Mr. LONG. Yes.

Mr. ROBERT C. BYRD. Mr. President, I do not understand the Senator to mean that he intends to oppose the bill and defeat the bill.

Does the Senator have an amendment that we could vote on that would take care of his concerns about the bill and dispose of that amendment within the next half an hour or hour, so that we could vote on the bill and get on with the other bill?

Mr. LONG. Mr. President, I do not have an amendment in the nature of a compromise at the moment. This Senator is not as concerned about the idea of permitting private patent rights on Government research to be the exclusive right of a university, especially if the university would be nondiscriminatory in licensing it out to people who would like to develop that invention. He would not have nearly the objection to that that he does to letting other companies, private corporations, organizations—for profit, have the benefit of Government research to gain monopoly rights for their private advantage.

I hope the Senator would fulfill the commitments that he has made to others about bringing up certain other legislation, and that would give us some time to take a look at this matter and see to what extent we might be able to resolve our differences before we finally vote on the bill.

Mr. BAYH. Mr. President, I did not want to interrupt the Senator, but I feel, as one who has been involved in this legislation for a good long period of time, that I should at least make some comments here. The Senator from Kansas has been equally involved, as well as certain other colleagues.

I shared the concern of the Senator from Louisiana about the previous amendment. Basically, it was because of the concern which he instilled in me probably 10 or 15 years ago, and which we were previously discussing in relation to the Stevenson-Schmitt amendment that led the supporters of S. 414 to limit its coverage to small businesses, universities, and nonprofit organizations.

To address the concerns which the Senator from Indiana shares with the Senator from Louisiana, that we provided a recoupment provision in S. 414 so that whomever gets the patent, even if it is the Red Cross or Louisiana State University or Purdue University, whoever might get it, they have to repay the cost of that research if they begin to make substantial profits from the discovery.

I was hopeful that this might relieve the concern of the Senator from Louisiana. Certainly, he is within his rights to utilize his parliamentary right to amend the bill. As concerned as I am with this legislation which has been reported unanimously out of the Judiciary Committee and has been pending now for 3 months and, anxious as I am to vote on it, I guess there is not a whole lot I can do, except to try to appeal to the understanding and the sense of fairness of the Senator from Louisiana.

Mr. LONG. Mr. President, I was not aware that this bill was going to be called up today. I indicated that I cannot complain about not being present to protect my rights.

But, in the last analysis, what we ought to try to do here is to decide what is best for the Nation. This should not be decided on the basis of who is right, but it should be decided based on what is right, what is best for our country.

I really, honestly feel that the situation is such that those who feel as I do ought to be offered at least 24 hours to see what we can do about resolving our differences.

I know the majority leader is not one who believes in running over opposition roughshod. I have seen him do it sometimes, but he does it only when he finds it necessary.

I think the Senator should move on to the other measures that Senators wish to discuss. I hope that, maybe between now and the time we finally vote on this measure, we might come to terms on some accommodation that might satisfy everyone involved in this matter.

It is true that this measure has been on the calendar for some time, but this Senator did not expect it to be called up at this point. He was very busy with other matters.

Mr. President, I suggest the absence of a quorum without it being charged to either side.

The PRESIDING OFFICER (Mr. DECONCINI). Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, it is my hope that we will be able to act on this bill after those of us who are interested in it have had a chance to give it further study than we have given it to this moment.

I indicated that I simply was unaware of the fact that this bill was going to be called up when it was. If I had been aware of it, I would have given more study to the provisions that the members of the committee, and particularly the distinguished floor manager of this bill, incorporated into it seeking to protect the public interest.

If given the opportunity I will take a good look at those provisions and try to look at them fairly and impartially, and try to pass judgment on whether, in my judgment, the public interest has been adequately protected.

But the Senator from Louisiana is not able to do that at this moment. That being the case, he would be prepared to offer amendments in whatever way he thinks amendments would be appropriate, and he would have to continue to do that until such time as the bill has been debated to a much greater length than it has been debated at this time. That means, as far as the Senator from Louisiana is concerned, that he would have to call off the conference on the windfall profit tax bill until this bill has been disposed of.

That is an inefficient way for the Senate to operate. I would hope that the distinguished manager of the bill, as well as the majority leader, would be willing to proceed with some other measure at the moment and, in doing so, give those of us who have some reservations about the bill a further opportunity to consider both the work of the committee and also the areas in which we feel it might be meritorious to suggest amendments.

I should like to ask the majority leader, if in his judgment, it would be possible for us to proceed on some other measure, as the unanimous-consent agreement gives him that right, so that those of us who do have a serious concern about the matter will have the opportunity to study it and consider it, not on the floor but in conference with the floor managers and others, and see whether we can accommodate one another.

Mr. ROBERT C. BYRD. Mr. President, I am prepared to do that. I am authorized to do that. I have discussed that procedure with the distinguished Senator from Indiana (Mr. BAYH). He will speak for himself, but he understands and appreciates the situation that we have before us. I do not need to explain—I have already done so—what our problems are with the FTC bill and so on. He very graciously has given his approval and authorization to my doing that. I express my appreciation to him for his understanding in this matter.

I hope that we can dispose of this bill. The Senator from Indiana has been very considerate all along, and I think that he, too, is prejudiced by my putting the bill over until today, in effect, although I called it up yesterday afternoon. I did that at the request of a Senator and in doing so, I may have inadvertently dis-