

Union Calendar No. 125

104TH CONGRESS
1ST SESSION

H. R. 1870

[Report No. 104-232]

A BILL

To authorize appropriations for the activities of the Under Secretary of Commerce for Technology, and for Scientific and Technical Research Services and Construction of Research Facilities activities of the National Institute of Standards and Technology, for fiscal year 1996, and for other purposes.

AUGUST 4, 1995

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 1995

Mrs. MORELLA introduced the following bill; which was referred to the Committee on Science

AUGUST 4, 1995

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on June 16, 1995]

A BILL

To authorize appropriations for the activities of the Under Secretary of Commerce for Technology, and for Scientific and Technical Research Services and Construction of Research Facilities activities of the National Institute of Standards and Technology, for fiscal year 1996, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “American Technology*
5 *Advancement Act of 1995”.*

6 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) *UNDER SECRETARY FOR TECHNOLOGY.—There are*
8 *authorized to be appropriated to the Secretary of Commerce*
9 *for the activities of the Under Secretary for Technology/Of-*
10 *fice of Technology Policy \$5,066,000 for fiscal year 1996.*

11 (b) *NATIONAL INSTITUTE OF STANDARDS AND TECH-*
12 *NOLOGY.—There are authorized to be appropriated to the*
13 *Secretary of Commerce for the following activities of the Na-*
14 *tional Institute of Standards and Technology:*

15 (1) *For Scientific and Technical Research and*
16 *Services, \$275,579,000 for fiscal year 1996, of*
17 *which—*

18 (A) *\$39,628,000 shall be for Electronics and*
19 *Electrical Engineering;*

20 (B) *\$19,565,000 shall be for Manufacturing*
21 *Engineering;*

22 (C) *\$28,127,000 shall be for Chemical*
23 *Science and Technology;*

24 (D) *\$28,082,000 shall be for Physics;*

1 (E) \$54,314,000 shall be for Material
2 Science and Engineering;

3 (F) \$13,517,000 shall be for Building and
4 Fire Research;

5 (G) \$30,704,000 shall be for Computer Sys-
6 tems;

7 (H) \$10,964,000 shall be for Applied Mathe-
8 matics and Scientific Computing;

9 (I) \$19,109,000 shall be for Technical As-
10 sistance;

11 (J) \$28,169,000 shall be for Research Sup-
12 port; and

13 (K) \$3,400,000 shall be for the Malcolm
14 Baldrige National Quality Program under sec-
15 tion 17 of the Stevenson-Wydler Technology In-
16 novation Act of 1980 (15 U.S.C. 3711a); and

17 (2) for Construction of Research Facilities,
18 \$62,055,000 for fiscal year 1996.

19 **SEC. 3. NATIONAL INSTITUTE OF STANDARDS AND TECH-**
20 **NOLOGY ACT AMENDMENTS.**

21 The National Institute of Standards and Technology
22 Act (15 U.S.C. 271 et seq.) is amended—

23 (1) in section 10(a)—

24 (A) by striking “nine” and inserting in lieu
25 thereof “15”; and

1 (B) by striking “five” and inserting in lieu
2 thereof “10”;

3 (2) in section 15—

4 (A) by striking “Pay Act of 1945; and” and
5 inserting in lieu thereof “Pay Act of 1945;”; and

6 (B) by inserting “; and (h) the provision of
7 transportation services for employees of the Insti-
8 tute between the facilities of the Institute and
9 nearby public transportation, notwithstanding
10 section 1344 of title 31, United States Code”
11 after “interests of the Government”; and

12 (3) in section 19, by striking “nor more than
13 forty” and inserting in lieu thereof “nor more than
14 60”.

15 **SEC. 4. STEVENSON-WYDLER TECHNOLOGY INNOVATION**

16 **ACT OF 1980 AMENDMENTS.**

17 The Stevenson-Wydler Technology Innovation Act of
18 1980 (15 U.S.C. 3701 et seq.) is amended—

19 (1) in section 11(i) (15 U.S.C. 3710(i))—

20 (A) by inserting “loan, lease,” after “de-
21 partment, may”; and

22 (B) by inserting “Actions taken under this
23 subsection shall not be subject to Federal require-
24 ments on the disposal of property.” after “edu-
25 cation and research activities.”; and

1 (2) in section 17(c) (15 U.S.C. 3711a(c))—

2 (A) by striking paragraph (2);

3 (B) by redesignating paragraph (3) as
4 paragraph (2); and

5 (C) in paragraph (2), as so redesignated by
6 subparagraph (B) of this paragraph, by striking
7 “two” and inserting in lieu thereof “4”.

8 **SEC. 5. PERSONNEL.**

9 The personnel management demonstration project es-
10 tablished under section 10 of the National Bureau of Stand-
11 ards Authorization Act for Fiscal Year 1987 (15 U.S.C. 275
12 note) is extended indefinitely.

13 **SEC. 6. FASTENER QUALITY ACT AMENDMENTS.**

14 (a) SECTION 2 AMENDMENTS.—Section 2 of the Fas-
15 tener Quality Act (15 U.S.C. 5401) is amended—

16 (1) by striking subsection (a)(4), and redesignat-
17 ing paragraphs (5) through (9) as paragraphs (4)
18 through (8), respectively;

19 (2) in subsection (a)(7), as so redesignated by
20 paragraph (1) of this subsection, by striking “by lot
21 number”; and

22 (3) in subsection (b), by striking “used in criti-
23 cal applications” and inserting in lieu thereof “in
24 commerce”.

1 (b) *SECTION 3 AMENDMENTS.*—Section 3 of the Fas-
2 *tener Quality Act (15 U.S.C. 5402) is amended—*

3 (1) *in paragraph (1)(B) by striking “having a*
4 *minimum tensile strength of 150,000 pounds per*
5 *square inch” and inserting in lieu thereof “having a*
6 *minimum Rockwell C hardness of 40 or above”;*

7 (2) *in paragraph (2)—*

8 (A) *by inserting “International Organiza-*
9 *tion for Standardization,” after “Society of*
10 *Automotive Engineers,”; and*

11 (B) *by inserting “consensus” after “or any*
12 *other”;*

13 (3) *in paragraph (5)—*

14 (A) *by inserting “or” after “standard or*
15 *specification,” in subparagraph (B);*

16 (B) *by striking “or” at the end of subpara-*
17 *graph (C);*

18 (C) *by striking subparagraph (D); and*

19 (D) *by inserting “or produced in accord-*
20 *ance with ASTM F 432” after “307 Grade A”;*

21 (4) *in paragraph (6) by striking “other person”*
22 *and inserting in lieu thereof “government agency”;*

23 (5) *in paragraph (8) by striking “Standard”*
24 *and inserting in lieu thereof “Standards”;*

1 (6) by striking paragraph (11) and redesignat-
2 ing paragraphs (12) through (15) as paragraphs (11)
3 through (14), respectively;

4 (7) in paragraph (13), as so redesignated by
5 paragraph (6) of this subsection, by striking “, a gov-
6 ernment agency” and all that follows through “mark-
7 ings of any fastener” and inserting in lieu thereof “or
8 a government agency”; and

9 (8) in paragraph (14), as so redesignated by
10 paragraph (6) of this subsection, by inserting “for the
11 purpose of achieving a uniform hardness” after
12 “quenching and tempering”.

13 (c) *SECTION 4 REPEAL.*—Section 4 of the Fastener
14 Quality Act (15 U.S.C. 5403) is repealed.

15 (d) *SECTION 5 AMENDMENTS.*—Section 5 of the Fas-
16 tener Quality Act (15 U.S.C. 5404) is amended—

17 (1) in subsection (a)(1)(B) and (2)(A)(i) by
18 striking “subsections (b) and (c)” and inserting in
19 lieu thereof “subsections (b), (c), and (d)”;

20 (2) in subsection (c)(2) by striking “or, where
21 applicable” and all that follows through “section
22 7(c)(1)”;

23 (3) in subsection (c)(3) by striking “, such as the
24 chemical, dimensional, physical, mechanical, and any
25 other”;

1 (4) in subsection (c)(4) by inserting “except as
2 provided in subsection (d),” before “state whether”;
3 and

4 (5) by adding at the end the following new sub-
5 section:

6 “(d) *ALTERNATIVE PROCEDURE FOR CHEMICAL*
7 *CHARACTERISTICS.—Notwithstanding the requirements of*
8 *subsections (b) and (c), a manufacturer shall be deemed to*
9 *have demonstrated, for purposes of subsection (a)(1), that*
10 *the chemical characteristics of a lot conform to the stand-*
11 *ards and specifications to which the manufacturer rep-*
12 *resents such lot has been manufactured if the following re-*
13 *quirements are met:*

14 “(1) *The coil or heat number of metal from*
15 *which such lot was fabricated has been inspected and*
16 *tested with respect to its chemical characteristics by*
17 *a laboratory accredited in accordance with the proce-*
18 *dures and conditions specified by the Secretary under*
19 *section 6.*

20 “(2) *Such laboratory has provided to the manu-*
21 *facturer, either directly or through the metal manu-*
22 *facturer, a written inspection and testing report,*
23 *which shall be in a form prescribed by the Secretary*
24 *by regulation, listing the chemical characteristics of*
25 *such coil or heat number.*

1 “(3) The report described in paragraph (2) indi-
2 cates that the chemical characteristics of such coil or
3 heat number conform to those required by the stand-
4 ards and specifications to which the manufacturer
5 represents such lot has been manufactured.

6 “(4) The manufacturer demonstrates that such
7 lot has been fabricated from the coil or heat number
8 of metal to which the report described in paragraphs
9 (2) and (3) relates.

10 In prescribing the form of report required by subsection (c),
11 the Secretary shall provide for an alternative to the state-
12 ment required by subsection (c)(4), insofar as such state-
13 ment pertains to chemical characteristics, for cases in which
14 a manufacturer elects to use the procedure permitted by this
15 subsection.”.

16 (e) SECTION 6 AMENDMENT.—Section 6(a)(1) of the
17 Fastener Quality Act (15 U.S.C. 5405(a)(1)) is amended
18 by striking “Within 180 days after the date of enactment
19 of this Act, the” and inserting in lieu thereof “The”.

20 (f) SECTION 7 AMENDMENTS.—Section 7 of the Fas-
21 tener Quality Act (15 U.S.C. 5406) is amended—

22 (1) by amending subsection (a) to read as fol-
23 lows:

24 “(a) DOMESTICALLY PRODUCED FASTENERS.—It shall
25 be unlawful for a manufacturer to sell any shipment of fas-

1 *teners covered by this Act which are manufactured in the*
2 *United States unless the fasteners—*

3 “(1) *have been manufactured according to the re-*
4 *quirements of the applicable standards and specifica-*
5 *tions and have been inspected and tested by a labora-*
6 *tory accredited in accordance with the procedures and*
7 *conditions specified by the Secretary under section 6;*
8 *and*

9 “(2) *an original laboratory testing report de-*
10 *scribed in section 5(c) and a manufacturer’s certifi-*
11 *cate of conformance are on file with the manufac-*
12 *turer, or under such custody as may be prescribed by*
13 *the Secretary, and available for inspection.”;*

14 (2) *in subsection (c)(2) by inserting “to the*
15 *same” after “in the same manner and”;*

16 (3) *in subsection (d)(1) by striking “certificate”*
17 *and inserting in lieu thereof “test report”; and*

18 (4) *by striking subsections (e), (f), and (g) and*
19 *inserting in lieu thereof the following:*

20 “(e) *SUBSEQUENT PURCHASER.—If a person who pur-*
21 *chases fasteners for any purpose so requests either prior to*
22 *the sale or at the time of sale, the seller shall conspicuously*
23 *mark the container of the fasteners with the lot number from*
24 *which such fasteners were taken.”.*

1 (g) *SECTION 9 AMENDMENT.*—Section 9 of the Fas-
2 *tener Quality Act (15 U.S.C. 5408) is amended by adding*
3 *at the end the following new subsection:*

4 “(d) *ENFORCEMENT.*—The Secretary may designate
5 *officers or employees of the Department of Commerce to con-*
6 *duct investigations pursuant to this Act. In conducting such*
7 *investigations, those officers or employees may, to the extent*
8 *necessary or appropriate to the enforcement of this Act, ex-*
9 *ercise such authorities as are conferred upon them by other*
10 *laws of the United States, subject to policies and procedures*
11 *approved by the Attorney General.”.*

12 (h) *SECTION 10 AMENDMENTS.*—Section 10 of the Fas-
13 *tener Quality Act (15 U.S.C. 5409) is amended—*

14 (1) *in subsections (a) and (b), by striking “10*
15 *years” and inserting in lieu thereof “5 years”; and*

16 (2) *in subsection (b), by striking “any subse-*
17 *quent” and inserting in lieu thereof “the subsequent”.*

18 (i) *SECTION 13 AMENDMENT.*—Section 13 of the Fas-
19 *tener Quality Act (15 U.S.C. 5412) is amended by striking*
20 *“within 180 days after the date of enactment of this Act”.*

21 (j) *SECTION 14 REPEAL.*—Section 14 of the Fastener
22 *Quality Act (15 U.S.C. 5413) is repealed.*

23 **SEC. 7. PROHIBITION OF LOBBYING ACTIVITIES.**

24 *None of the funds authorized by this Act shall be avail-*
25 *able for any activity whose purpose is to influence legisla-*

1 *tion pending before the Congress, provided that this shall*
2 *not prevent officers or employees of the United States or*
3 *of its departments or agencies from communicating to Mem-*
4 *bers of Congress on the request of any Member or to Con-*
5 *gress, through the proper channels, requests for legislation*
6 *or appropriations which they deem necessary for the effi-*
7 *cient conduct of the public business.*

8 **SEC. 8. LIMITATION ON APPROPRIATIONS.**

9 (a) *EXCLUSIVE AUTHORIZATION FOR FISCAL YEAR*
10 *1996.—Notwithstanding any other provision of law, no*
11 *sums are authorized to be appropriated for fiscal year 1996*
12 *for the activities of the Under Secretary for Technology/Of-*
13 *fice of Technology Policy or the National Institute of Stand-*
14 *ards and Technology unless such sums are specifically au-*
15 *thorized to be appropriated by this Act.*

16 (b) *SUBSEQUENT FISCAL YEARS.—No sums are au-*
17 *thorized to be appropriated for any fiscal year after fiscal*
18 *year 1996 for the activities of the Under Secretary for Tech-*
19 *nology/Office of Technology Policy or the National Institute*
20 *of Standards and Technology unless such sums are specifi-*
21 *cally authorized to be appropriated by Act of Congress with*
22 *respect to such fiscal year.*

23 **SEC. 9. ELIGIBILITY FOR AWARDS.**

24 (a) *IN GENERAL.—The Director shall exclude from*
25 *consideration for awards of financial assistance made by*

1 *the Under Secretary for Technology/Office of Technology*
2 *Policy or the National Institute of Standards and Tech-*
3 *nology after fiscal year 1995 any person who received funds,*
4 *other than those described in subsection (b), appropriated*
5 *for a fiscal year after fiscal year 1995, from any Federal*
6 *funding source for a project that was not subjected to a com-*
7 *petitive, merit-based award process. Any exclusion from*
8 *consideration pursuant to this section shall be effective for*
9 *a period of 5 years after the person receives such Federal*
10 *funds.*

11 *(b) EXCEPTION.—Subsection (a) shall not apply to*
12 *awards to persons who are members of a class specified by*
13 *law for which assistance is awarded to members of the class*
14 *according to a formula provided by law.*

15 **SEC. 10. STANDARDS CONFORMITY.**

16 *(a) USE OF STANDARDS.—Section 2(b) of the National*
17 *Institute of Standards and Technology Act (15 U.S.C.*
18 *272(b)) is amended—*

19 *(1) by striking “, including comparing stand-*
20 *ards” and all that follows through “Federal Govern-*
21 *ment”;*

22 *(2) by redesignating paragraphs (3) through (11)*
23 *as paragraphs (4) through (12), respectively; and*

24 *(3) by inserting after paragraph (2) the follow-*
25 *ing new paragraph:*

1 “(3) to compare standards used in scientific in-
2 vestigations, engineering, manufacturing, commerce,
3 industry, and educational institutions with the stand-
4 ards adopted or recognized by the Federal Govern-
5 ment and to coordinate the use by Federal agencies
6 of private sector standards, emphasizing where pos-
7 sible the use of standards developed by private, con-
8 sensus organizations;”.

9 (b) CONFORMITY ASSESSMENT ACTIVITIES.—Section
10 2(b) of the National Institute of Standards and Technology
11 Act (15 U.S.C. 272(b)) is amended—

12 (1) by striking “and” at the end of paragraph
13 (11), as so redesignated by subsection (a)(2) of this
14 section;

15 (2) by striking the period at the end of para-
16 graph (12), as so redesignated by subsection (a)(2) of
17 this section, and inserting in lieu thereof “; and”; and

18 (3) by adding at the end the following new para-
19 graph:

20 “(13) to coordinate Federal, State, local, and
21 private sector standards conformity assessment activi-
22 ties, with the goal of eliminating unnecessary dupli-
23 cation and complexity in the development and pro-
24 mulgation of conformity assessment requirements and
25 measures.”.

1 (c) *TRANSMITTAL OF PLAN TO CONGRESS.*—The Na-
2 tional Institute of Standards and Technology shall, by Jan-
3 uary 1, 1996, transmit to the Congress a plan for imple-
4 menting the amendments made by this section.

5 **SEC. 11. FURTHER AUTHORIZATIONS.**

6 Nothing in this Act shall preclude further authoriza-
7 tion of appropriations for the Manufacturing Extension
8 Partnerships program under sections 25 and 26 of the Na-
9 tional Institute of Standards and Technology Act (15
10 U.S.C. 278k and 278l) for fiscal year 1996: Provided, That
11 authorization allocations adopted by the Conference Com-
12 mittee on House Concurrent Resolution 67, and approved
13 by Congress, allow for such further authorizations.

HR 1870 RH—2