

104TH CONGRESS
1ST SESSION

S. 1141

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 years 1996, 1997, and 1998, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 9 (legislative day, JULY 10), 1995

Mr. PRESSLER (for himself and Mr. BURNS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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 years 1996, 1997, and 1998, 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 “Technology Adminis-
5 tration Authorization Act of 1995”.

1 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) UNDER SECRETARY FOR TECHNOLOGY.—(1)
3 There are authorized to be appropriated to the Secretary
4 of Commerce for the activities of the Under Secretary for
5 Technology/Office of Technology Policy \$5,000,000 for
6 fiscal year 1996.

7 (2) With the Fiscal Year 1997 budget submission for
8 the Department of Commerce, the Secretary of Commerce
9 shall submit to Congress a strategic plan for phasing out
10 the Office of Technology Policy during fiscal year 1996
11 by eliminating nonessential functions and transferring any
12 essential functions to the National Institute of Standards
13 and Technology.

14 (b) NATIONAL INSTITUTE OF STANDARDS AND
15 TECHNOLOGY.—For each of fiscal years 1996, 1997, and
16 1998, there are authorized to be appropriated to the Sec-
17 retary of Commerce for the following activities of the Na-
18 tional Institute of Standards and Technology:

19 (1) For Scientific and Technical Research and
20 Services, \$263,000,000.

21 (2) For Industrial Technology Services,
22 \$427,000,000, but no appropriations are authorized
23 for Advanced Technology Program grants awarded
24 after October 1, 1995.

25 (3) For Construction of Research Facilities,
26 \$60,000,000.

1 **SEC. 3. EXPERIMENTAL PROGRAM TO STIMULATE COM-**
2 **PETITIVE TECHNOLOGY.**

3 The National Institute of Standards and Technology
4 Act (15 U.S.C. 271 et seq.) is amended by redesignating
5 section 31 as section 32 and by inserting after section 30
6 the following:

7 “COMPETITIVE TECHNOLOGY PROGRAM

8 “SEC. 31. (a) FINDINGS.—Congress finds that—

9 “(1) it is in the National interest for the federal
10 government to take appropriate steps in order to
11 strengthen the competitiveness of research institu-
12 tions and industry in our rural and less populous
13 states that historically have not been included as full
14 partners in the federal research and development en-
15 terprise;

16 “(2) the research institutions in our rural and
17 less populous states represent a valuable and pro-
18 ductive research and technological base that has
19 generated important breakthrough advances in
20 science and technology and helped boost the Na-
21 tion’s economy;

22 “(3) as part of its mission to help increase U.S.
23 competitiveness, the National Institute of Standards
24 and Technology (NIST) of the Department of Com-
25 merce, has an important role in strengthening and

1 broadening the research and technology base in our
2 rural and less populous states;

3 “(4) the Experimental Program to Stimulate
4 Competitive Research (EPSCOR) at the National
5 Science Foundation and similar programs at the Na-
6 tional Aeronautics and Space Administration and
7 other federal science agencies have been extremely
8 successful in strengthening the research base of our
9 rural and less populous states by funding, on a com-
10 petitive, peer-reviewed basis, research grant propos-
11 als from those states; and

12 “(5) the establishment at NIST of a program
13 based on the EPSCOR concept would both build on
14 the progress of the other federal agencies’ EPSCOR
15 activities and further broaden the Nation’s scientific
16 and technology base to embrace the quality research
17 institutions in rural and less populous states.

18 “(b) POLICY.—It is the policy of the United States
19 that—

20 “(1) NIST should conduct appropriate pro-
21 grams and activities to strengthen and broaden the
22 Nation’s scientific and technology capabilities and
23 infrastructure;

24 “(2) NIST should develop programs and activi-
25 ties to support research efforts in our rural and less

1 populous states to enhance U.S. industrial competi-
2 tiveness; and

3 “(3) such programs and activities should be co-
4 ordinated and made consistent with the Experi-
5 mental Program to Stimulate Competitive Research
6 at the National Science Foundation and similar pro-
7 grams at other federal science agencies.

8 “(c) REQUIREMENTS.—

9 “(1) COMPETITION.—Through the National In-
10 stitute of Standards and Technology, the Secretary
11 of Commerce shall establish an Experimental Pro-
12 gram to Stimulate Competitive Technology
13 (EPSCOT). EPSCOT shall provide grants on a
14 competitive and peer-reviewed basis to qualified in-
15 stitutions in eligible States. Such grants shall be
16 awarded for any purpose consistent with and in fur-
17 therance of the mission of the Institute including,
18 but not limited to, research, technology transfer,
19 outreach activities, economic development, and edu-
20 cation. In evaluating a grant application under
21 EPSCOT, the Secretary of Commerce shall con-
22 sider—

23 “(A) the application’s merit and relevance
24 to mission of the Institute;

1 “(B) the potential for the grant to serve as
2 a catalyst to enhance the ability of researchers
3 in the State to become more competitive for
4 regular civilian research funding;

5 “(C) the potential for the grant to improve
6 the environment for science, mathematics, and
7 engineering education in the State; and

8 “(D) the need to assure the maximum dis-
9 tribution of grants among eligible States, con-
10 sistent with merit.

11 “(2) SUPPLEMENTAL GRANTS.—The Secretary
12 of Commerce shall endeavor, where appropriate, to
13 supplement grants made under subsection (a) with
14 such grants for fellowships, traineeships, equipment,
15 or instrumentation as practicable.

16 “(3) DEFINITIONS.—For the purposes of this
17 section—

18 “(A) the term ‘qualified institutions’
19 means small and medium-sized companies, col-
20 leges, universities, not-for-profit institutions,
21 local and state governments, individuals with a
22 record of achievement in science and tech-
23 nology, and any other persons or entities
24 deemed qualified by the Secretary of Commerce,
25 but not large companies and

1 “(B) the term ‘eligible states’ means a
2 State designated as eligible to compete in the
3 National Science Foundation’s Experimental
4 Program to Stimulate Competitive Research.

5 “(e) AUTHORIZATION OF APPROPRIATIONS.—To im-
6 plement EPSCOT and any related activities, the Secretary
7 of Commerce shall ensure that up to \$10,000,000 from
8 the appropriations authorized for the Industrial Tech-
9 nology Services account at the National Institute of
10 Standards and Technology are used for purposes of estab-
11 lishing and developing an Experimental Program to Stim-
12 ulate Competitive Technology Research at the agency.”.

13 **SEC. 4. ELIMINATION OF NATIONAL QUALITY COUNCIL.**

14 Section 507 of the American Technology Pre-
15 eminence Act of 1991 (15 U.S.C. 3717) is hereby re-
16 pealed.

17 **SEC. 5. FASTENER QUALITY ACT AMENDMENTS.**

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

20 (1) by striking subsection (a)(4), and redesign-
21 nating paragraphs (5) through (9) as paragraphs
22 (4) through (8), respectively;

23 (2) by striking “by lot number” in subsection
24 (a)(7), as so redesignated by paragraph (1) of this
25 subsection; and

1 (3) by striking “used in critical applications” in
2 subsection (b) and inserting “in commerce”.

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

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

9 (2) in paragraph (2)—

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

13 (B) by inserting “consensus” after “or any
14 other”;

15 (3) in paragraph (5)—

16 (A) by inserting “or” after “standard or
17 specification,” in subparagraph (B);

18 (B) by striking “or” at the end of subpara-
19 graph (C);

20 (C) by striking subparagraph (D); and

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

23 (4) by striking “other person” in paragraph (6)
24 and inserting “government agency”;

1 (5) by striking “Standard” in paragraph (8)
2 and inserting “Standards”;

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

6 (7) by striking “, a government agency” and all
7 that follows through “markings of any fastener” in
8 paragraph (13), as so redesignated, and inserting
9 “or a government agency”; and

10 (8) by inserting “for the purpose of achieving
11 a uniform hardness” in paragraph (14), as so reded-
12 icated, after “quenching and tempering”.

13 (c) SECTION 4 REPEAL.—Section 4 of the Fastener
14 Quality Act (15 U.S.C. 5404) 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) by striking “subsections (b) and (c)” in
18 subsection (a)(1)(B) and (2)(A)(i) and inserting
19 “subsections (b), (c), and (d)”;

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

23 (3) by striking “, such as the chemical, dimen-
24 sional, physical, mechanical, and any other” in sub-
25 section (c)(3);

1 (4) by inserting “except as provided in sub-
2 section (d),” in subsection (c)(4) before “state
3 whether”; 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
9 to have demonstrated, for purposes of subsection (a)(1),
10 that the chemical characteristics of a lot conform to the
11 standards and specifications to which the manufacturer
12 represents such lot has been manufactured if the following
13 requirements are met:

14 “(1) The coil or heat number of metal from
15 which such lot was fabricated has been inspected
16 and tested with respect to its chemical characteris-
17 tics by a laboratory accredited in accordance with
18 the procedures and conditions specified by the Sec-
19 retary under 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) in-
2 dicates that the chemical characteristics of such coil
3 or heat number conform to those required by the
4 standards and specifications to which the manufac-
5 turer 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
11 (c), the Secretary shall provide for an alternative to the
12 statement required by subsection (c)(4), insofar as such
13 statement pertains to chemical characteristics, for cases
14 in which a manufacturer elects to use the procedure per-
15 mitted by this 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 “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
25 shall be unlawful for a manufacturer to sell any shipment

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

3 “(1) have been manufactured according to the
4 requirements of the applicable standards and speci-
5 fications and have been inspected and tested by a
6 laboratory accredited in accordance with the proce-
7 dures and conditions specified by the Secretary
8 under section 6; 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
13 by the Secretary, and available for inspection.”;

14 (2) by inserting “label” after “private” the first
15 place it appears in subsection (c)(2);

16 (3) by inserting “to the same” in subsection
17 (c)(2) after “in the same manner and”;

18 (4) by striking “certificate” in subsection (d)(1)
19 and inserting “test report”;

20 (5) by striking subsection (e) and inserting the
21 following:

22 “(e) COMMINGLING.—It shall be unlawful for any
23 manufacturer, importer, or private label distributor to
24 commingle like fasteners from different lots in the same
25 container; except that such manufacturer, importer, or

1 private label distributor may commingle like fasteners of
2 the same type, grade, and dimension from not more than
3 two tested and certified lots in the same container during
4 repackaging and plating operations: *Provided*, That any
5 container which contains the fasteners from two lots shall
6 be conspicuously marked with the lot identification num-
7 bers of both lots.”; and

8 (6) by striking subsection (f) and inserting the
9 following:

10 “(f) SUBSEQUENT PURCHASER.—If a person who
11 purchases fasteners for any purpose so requests either
12 prior to the sale or at the time of sale, the seller shall
13 conspicuously mark the container of the fasteners with the
14 lot number from which such fasteners were taken.”.

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

18 “(d) ENFORCEMENT.—The Secretary may designate
19 officers or employees of the Department of Commerce to
20 conduct investigations pursuant to this Act. In conducting
21 such investigations, those officers or employees may, to
22 the extent necessary or appropriate to the enforcement of
23 this Act, exercise such authorities as are conferred upon
24 them by other laws of the United States, subject to policies
25 and procedures approved by the Attorney General.”.

1 (h) SECTION 10 AMENDMENTS.—Section 10 of the
2 Fastener Quality Act (15 U.S.C. 5409) is amended—

3 (1) by striking “10 years” in subsections (a)
4 and (b) and inserting “5 years”; and

5 (2) by striking “any subsequent” in subsection
6 (b) and inserting “the subsequent”.

7 (i) SECTION 13 AMENDMENT.—Section 13 of the
8 Fastener Quality Act (15 U.S.C. 5412) is amended by
9 striking “within 180 days after the date of enactment of
10 this Act”.

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

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