

Calendar No. 199

104TH CONGRESS
1ST SESSION

S. 1141

[Report No. 104-153]

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.

SEPTEMBER 29 (legislative day, SEPTEMBER 25), 1995
Reported without amendment

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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

SEPTEMBER 29 (legislative day, SEPTEMBER 25), 1995

Reported by Mr. PRESSLER, without amendment

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”.

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

7 (a) UNDER SECRETARY FOR TECHNOLOGY.—(1)
8 There are authorized to be appropriated to the Secretary
9 of Commerce for the activities of the Under Secretary for
10 Technology/Office of Technology Policy \$5,000,000 for
11 fiscal year 1996.

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

19 (b) NATIONAL INSTITUTE OF STANDARDS AND
20 TECHNOLOGY.—For each of fiscal years 1996, 1997, and
21 1998, there are authorized to be appropriated to the Sec-
22 retary of Commerce for the following activities of the Na-
23 tional Institute of Standards and Technology:

24 (1) For Scientific and Technical Research and
25 Services, \$263,000,000.

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

5 (3) For Construction of Research Facilities,
6 \$60,000,000.

7 **SEC. 3. EXPERIMENTAL PROGRAM TO STIMULATE COM-**
8 **PETITIVE TECHNOLOGY.**

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

13 “COMPETITIVE TECHNOLOGY PROGRAM

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

15 “(1) it is in the National interest for the federal
16 government to take appropriate steps in order to
17 strengthen the competitiveness of research institu-
18 tions and industry in our rural and less populous
19 states that historically have not been included as full
20 partners in the federal research and development en-
21 terprise;

22 “(2) the research institutions in our rural and
23 less populous states represent a valuable and pro-
24 ductive research and technological base that has
25 generated important breakthrough advances in

1 science and technology and helped boost the Na-
2 tion's economy;

3 “(3) as part of its mission to help increase U.S.
4 competitiveness, the National Institute of Standards
5 and Technology (NIST) of the Department of Com-
6 merce, has an important role in strengthening and
7 broadening the research and technology base in our
8 rural and less populous states;

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

18 “(5) the establishment at NIST of a program
19 based on the EPSCOR concept would both build on
20 the progress of the other federal agencies' EPSCOR
21 activities and further broaden the Nation's scientific
22 and technology base to embrace the quality research
23 institutions in rural and less populous states.

24 “(b) POLICY.—It is the policy of the United States
25 that—

1 “(1) NIST should conduct appropriate pro-
2 grams and activities to strengthen and broaden the
3 Nation’s scientific and technology capabilities and
4 infrastructure;

5 “(2) NIST should develop programs and activi-
6 ties to support research efforts in our rural and less
7 populous states to enhance U.S. industrial competi-
8 tiveness; and

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

14 “(c) REQUIREMENTS.—

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

1 cation. In evaluating a grant application under
2 EPSCOT, the Secretary of Commerce shall con-
3 sider—

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

6 “(B) the potential for the grant to serve as
7 a catalyst to enhance the ability of researchers
8 in the State to become more competitive for
9 regular civilian research funding;

10 “(C) the potential for the grant to improve
11 the environment for science, mathematics, and
12 engineering education in the State; and

13 “(D) the need to assure the maximum dis-
14 tribution of grants among eligible States, con-
15 sistent with merit.

16 “(2) SUPPLEMENTAL GRANTS.—The Secretary
17 of Commerce shall endeavor, where appropriate, to
18 supplement grants made under subsection (a) with
19 such grants for fellowships, traineeships, equipment,
20 or instrumentation as practicable.

21 “(3) DEFINITIONS.—For the purposes of this
22 section—

23 “(A) the term ‘qualified institutions’
24 means small and medium-sized companies, col-
25 leges, universities, not-for-profit institutions,

1 local and state governments, individuals with a
2 record of achievement in science and tech-
3 nology, and any other persons or entities
4 deemed qualified by the Secretary of Commerce,
5 but not large companies and

6 “(B) the term ‘eligible states’ means a
7 State designated as eligible to compete in the
8 National Science Foundation’s Experimental
9 Program to Stimulate Competitive Research.

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

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

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

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

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

1 (1) by striking subsection (a)(4), and redesignig-
2 nating paragraphs (5) through (9) as paragraphs
3 (4) through (8), respectively;

4 (2) by striking “by lot number” in subsection
5 (a)(7), as so redesignated by paragraph (1) of this
6 subsection; and

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

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

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

15 (2) in paragraph (2)—

16 (A) by inserting “International Organiza-
17 tion for Standardization,” after “Society of
18 Automotive Engineers,”; and

19 (B) by inserting “consensus” after “or any
20 other”;

21 (3) in paragraph (5)—

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

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

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

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

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

6 (5) by striking “Standard” in paragraph (8)
7 and inserting “Standards”;

8 (6) by striking paragraph (11) and redesignat-
9 ing paragraphs (12) through (15) as paragraphs
10 (11) through (14), respectively;

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

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

18 (c) SECTION 4 REPEAL.—Section 4 of the Fastener
19 Quality Act (15 U.S.C. 5404) is repealed.

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

22 (1) by striking “subsections (b) and (c)” in
23 subsection (a)(1)(B) and (2)(A)(i) and inserting
24 “subsections (b), (c), and (d)”;

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

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

7 (4) by inserting “except as provided in sub-
8 section (d),” in subsection (c)(4) before “state
9 whether”; and

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

12 “(d) ALTERNATIVE PROCEDURE FOR CHEMICAL
13 CHARACTERISTICS.—Notwithstanding the requirements of
14 subsections (b) and (c), a manufacturer shall be deemed
15 to have demonstrated, for purposes of subsection (a)(1),
16 that the chemical characteristics of a lot conform to the
17 standards and specifications to which the manufacturer
18 represents such lot has been manufactured if the following
19 requirements are met:

20 “(1) The coil or heat number of metal from
21 which such lot was fabricated has been inspected
22 and tested with respect to its chemical characteris-
23 tics by a laboratory accredited in accordance with
24 the procedures and conditions specified by the Sec-
25 retary under section 6.

1 “(2) Such laboratory has provided to the manu-
2 facturer, either directly or through the metal manu-
3 facturer, a written inspection and testing report,
4 which shall be in a form prescribed by the Secretary
5 by regulation, listing the chemical characteristics of
6 such coil or heat number.

7 “(3) The report described in paragraph (2) in-
8 dicates that the chemical characteristics of such coil
9 or heat number conform to those required by the
10 standards and specifications to which the manufac-
11 turer represents such lot has been manufactured.

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

16 In prescribing the form of report required by subsection
17 (c), the Secretary shall provide for an alternative to the
18 statement required by subsection (c)(4), insofar as such
19 statement pertains to chemical characteristics, for cases
20 in which a manufacturer elects to use the procedure per-
21 mitted by this subsection.”.

22 (e) SECTION 6 AMENDMENT.—Section 6(a)(1) of the
23 Fastener Quality Act (15 U.S.C. 5405(a)(1)) is amended
24 by striking “Within 180 days after the date of enactment
25 of this Act, the” and inserting “The”.

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

3 (1) by amending subsection (a) to read as fol-
4 lows:

5 “(a) DOMESTICALLY PRODUCED FASTENERS.—It
6 shall be unlawful for a manufacturer to sell any shipment
7 of fasteners covered by this Act which are manufactured
8 in the United States unless the fasteners—

9 “(1) have been manufactured according to the
10 requirements of the applicable standards and speci-
11 fications and have been inspected and tested by a
12 laboratory accredited in accordance with the proce-
13 dures and conditions specified by the Secretary
14 under section 6; and

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

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

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

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

1 (5) by striking subsection (e) and inserting the
2 following:

3 “(e) COMMINGLING.—It shall be unlawful for any
4 manufacturer, importer, or private label distributor to
5 commingle like fasteners from different lots in the same
6 container; except that such manufacturer, importer, or
7 private label distributor may commingle like fasteners of
8 the same type, grade, and dimension from not more than
9 two tested and certified lots in the same container during
10 repackaging and plating operations: *Provided*, that any
11 container which contains the fasteners from two lots shall
12 be conspicuously marked with the lot identification num-
13 bers of both lots.”; and

14 (6) by striking subsection (f) and inserting the
15 following:

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

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

24 “(d) ENFORCEMENT.—The Secretary may designate
25 officers or employees of the Department of Commerce to

1 conduct investigations pursuant to this Act. In conducting
2 such investigations, those officers or employees may, to
3 the extent necessary or appropriate to the enforcement of
4 this Act, exercise such authorities as are conferred upon
5 them by other laws of the United States, subject to policies
6 and procedures approved by the Attorney General.”.

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

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

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

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

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

○