

105TH CONGRESS
1ST SESSION

H. R. 1274

To authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 1997

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

A BILL

To authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, 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 “National Institute of
5 Standards and Technology Authorization Act of 1997”.

6 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR SCI-**
7 **ENTIFIC AND TECHNICAL RESEARCH AND**
8 **SERVICES.**

9 (a) LABORATORY ACTIVITIES.—There are authorized
10 to be appropriated to the Secretary of Commerce for the

1 Scientific and Technical Research and Services laboratory
2 activities of the National Institute of Standards and Tech-
3 nology—

4 (1) \$278,563,000 for fiscal year 1998, of
5 which—

6 (A) \$38,104,000 shall be for Electronics
7 and Electrical Engineering;

8 (B) \$18,925,000 shall be for Manufactur-
9 ing Engineering;

10 (C) \$31,791,000 shall be for Chemical
11 Science and Technology;

12 (D) \$30,372,000 shall be for Physics;

13 (E) \$50,914,000 shall be for Material
14 Science and Engineering;

15 (F) \$13,404,000 shall be for Building and
16 Fire Research;

17 (G) \$47,073,000 shall be for Computer
18 Science and Applied Mathematics;

19 (H) \$19,376,000 shall be for Technical As-
20 sistance; and

21 (I) \$28,604,000 shall be for Research Sup-
22 port; and

23 (2) \$286,919,890 for fiscal year 1999, of
24 which—

1 (A) \$39,247,120 shall be for Electronics
2 and Electrical Engineering;

3 (B) \$19,492,750 shall be for Manufactur-
4 ing Engineering;

5 (C) \$32,744,730 shall be for Chemical
6 Science and Technology;

7 (D) \$31,283,160 shall be for Physics;

8 (E) \$52,441,420 shall be for Material
9 Science and Engineering;

10 (F) \$13,806,120 shall be for Building and
11 Fire Research;

12 (G) \$48,485,190 shall be for Computer
13 Science and Applied Mathematics;

14 (H) \$19,957,280 shall be for Technical As-
15 sistance; and

16 (I) \$29,462,120 shall be for Research Sup-
17 port.

18 (b) MALCOLM BALDRIGE NATIONAL QUALITY PRO-
19 GRAM.—There are authorized to be appropriated to the
20 Secretary of Commerce for the Malcolm Baldrige National
21 Quality Program under section 17 of the Stevenson-
22 Wydler Technology Innovation Act of 1980 (15 U.S.C.
23 3711a)—

24 (1) \$4,134,500 for fiscal year 1998; and

25 (2) \$5,289,000 for fiscal year 1999.

1 (c) CONSTRUCTION AND MAINTENANCE.—(1) There
2 are authorized to be appropriated to the Secretary of Com-
3 merce for construction and maintenance of facilities of the
4 National Institute of Standards and Technology—

5 (A) \$16,692,000 for fiscal year 1998; and

6 (B) \$67,000,000 for fiscal year 1999.

7 (2) None of the funds authorized by paragraph
8 (1)(B) may be obligated unless the Secretary of Commerce
9 has certified to the Committee on Science of the House
10 of Representatives and the Committee on Commerce,
11 Science, and Transportation of the Senate that the obliga-
12 tion of funds is consistent with a plan for meeting the
13 facilities needs of the National Institute of Standards and
14 Technology that the Secretary has transmitted to those
15 committees.

16 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR THE OF-**
17 **FICE OF THE UNDER SECRETARY FOR TECH-**
18 **NOLOGY.**

19 There are authorized to be appropriated to the Sec-
20 retary of Commerce for the activities of the Under Sec-
21 retary for Technology and the Office of Technology Pol-
22 icy—

23 (1) \$7,000,000 for fiscal year 1998; and

24 (2) \$7,205,000 for fiscal year 1999.

1 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR INDUS-**
2 **TRIAL TECHNOLOGY SERVICES.**

3 There are authorized to be appropriated to the Sec-
4 retary of Commerce for the Industrial Technology Services
5 activities of the National Institute of Standards and Tech-
6 nology—

7 (1) \$302,900,000 for fiscal year 1998, of
8 which—

9 (A) \$185,100,000 shall be for the Ad-
10 vanced Technology Program under section 28
11 of the National Institute of Standards and
12 Technology Act (15 U.S.C. 278n); and

13 (B) \$117,800,000 shall be for the Manu-
14 facturing Extension Partnerships program
15 under sections 25 and 26 of the National Insti-
16 tute of Standards and Technology Act (15
17 U.S.C. 278k and 2781); and

18 (2) \$261,300,000 for fiscal year 1999, of
19 which—

20 (A) \$150,000,000 shall be for the Ad-
21 vanced Technology Program under section 28
22 of the National Institute of Standards and
23 Technology Act (15 U.S.C. 278n); and

24 (B) \$111,300,000 shall be for the Manu-
25 facturing Extension Partnerships program
26 under sections 5 and 26 of the National Insti-

1 tute of Standards and Technology Act (15
2 U.S.C. 278k and 278l).

3 **SEC. 5. NATIONAL INSTITUTE OF STANDARDS AND TECH-**
4 **NOLOGY ACT AMENDMENTS.**

5 Section 28 of the National Institute of Standards and
6 Technology Act (15 U.S.C. 278n) is amended—

7 (1) by striking “or contracts” in subsection
8 (b)(1)(B), and inserting in lieu thereof “contracts,
9 and, subject to the last sentence of this subsection,
10 other transactions”;

11 (2) by inserting “and if the non-Federal partici-
12 pants in the joint venture agree to pay at least 60
13 percent of the total costs of the joint venture during
14 the Federal participation period, which shall not ex-
15 ceed 5 years,” in subsection (b)(1)(B) after “partici-
16 pation to be appropriate,”;

17 (3) by striking “(ii) provision of a minority
18 share of the cost of such joint ventures for up to 5
19 years, and (iii)” in subsection (b)(1)(B), and insert-
20 ing in lieu thereof “and (ii)”;

21 (4) by striking “and cooperative agreements” in
22 subsection (b)(2), and inserting in lieu thereof “, co-
23 operative agreements, and, subject to the last sen-
24 tence of this subsection, other transactions”;

1 (5) by striking “, provided that emphasis is” in
2 subsection (b)(2) and inserting in lieu thereof “on
3 the condition that grant recipients provide at least
4 60 percent of the costs of the project, with empha-
5 sis”;

6 (6) by adding after subsection (b)(4) the follow-
7 ing:

8 “The authority under paragraph (1)(B) and paragraph
9 (2) to enter into other transactions shall apply only if the
10 Secretary, acting through the Director, determines that
11 standard contracts, grants, or cooperative agreements are
12 not feasible or appropriate, and only when other trans-
13 action instruments incorporate terms and conditions that
14 reflect the use of generally accepted commercial account-
15 ing and auditing practices.”;

16 (7) in subsection (d)(1), by inserting “and be of
17 a nature and scope that would not be pursued with-
18 out Federal assistance” after “technical merit”; and

19 (8) by adding at the end the following new sub-
20 section:

21 “(k) Notwithstanding subsection (b)(1)(B) and sub-
22 section (d)(3), the Director may grant extensions beyond
23 the deadlines established under those provisions for joint
24 venture and single applicant awardees to expend Federal
25 funds to complete their projects, if such extension may be

1 granted with no additional cost to the Federal Government
2 and it is in the Federal Government's interest to do so.".

3 **SEC. 6. LIMITED MANUFACTURING EXTENSION PARTNER-**
4 **SHIP PROGRAM CENTER EXTENSION.**

5 A Regional Center for the Transfer of Manufacturing
6 Technology that would cease to be eligible to receive sup-
7 port under section 25 of the National Institute of Stand-
8 ards and Technology Act (15 U.S.C. 278k) during fiscal
9 year 1998 or 1999, because of the application of the last
10 sentence of subsection (c)(5) of such section 25, may con-
11 tinue to receive funding for two additional years after the
12 date on which it would have ceased to be eligible for fund-
13 ing in the absence of this section, if a positive evaluation
14 is conducted as provided in such section 25(c)(5). Funding
15 received for a fiscal year under this section shall not ex-
16 ceed the proportion of the capital and annual operating
17 and maintenance costs of the Center received by the Cen-
18 ter for the immediately preceding fiscal year.

19 **SEC. 7. NEXT GENERATION INTERNET.**

20 None of the funds authorized by this Act, or any
21 other Act enacted before the date of the enactment of this
22 Act, may be used for the Next Generation Internet.

23 **SEC. 8. LIMITATIONS.**

24 (a) PROHIBITION OF LOBBYING ACTIVITIES.—None
25 of the funds authorized by this Act shall be available for

1 any activity whose purpose is to influence legislation pend-
2 ing before the Congress, except that this subsection shall
3 not prevent officers or employees of the United States or
4 of its departments or agencies from communicating to
5 Members of Congress on the request of any Member or
6 to Congress, through the proper channels, requests for leg-
7 islation or appropriations which they deem necessary for
8 the efficient conduct of the public business.

9 (b) LIMITATION ON APPROPRIATIONS.—Notwith-
10 standing any other provision of law, no sums are author-
11 ized to be appropriated for fiscal years 1998 and 1999
12 for the activities for which sums are authorized by this
13 Act, unless such sums are specifically authorized to be ap-
14 propriated by this Act.

15 (c) ELIGIBILITY FOR AWARDS.—

16 (1) IN GENERAL.—The Director of the National
17 Institute of Standards and Technology shall exclude
18 from consideration for grant agreements made by
19 the Institute after fiscal year 1997 any person who
20 received funds, other than those described in para-
21 graph (2), appropriated for a fiscal year after fiscal
22 year 1997, under a grant agreement from any Fed-
23 eral funding source for a project that was not sub-
24 jected to a competitive, merit-based award process.
25 Any exclusion from consideration pursuant to this

1 subsection shall be effective for a period of 5 years
2 after the person receives such Federal funds.

3 (2) EXCEPTION.—Paragraph (1) shall not
4 apply to the receipt of Federal funds by a person
5 due to the membership of that person in a class
6 specified by law for which assistance is awarded to
7 members of the class according to a formula pro-
8 vided by law.

9 (3) DEFINITION.—For purposes of this sub-
10 section, the term “grant agreement” means a legal
11 instrument whose principal purpose is to transfer a
12 thing of value to the recipient to carry out a public
13 purpose of support or stimulation authorized by a
14 law of the United States, and does not include the
15 acquisition (by purchase, lease, or barter) of prop-
16 erty or services for the direct benefit or use of the
17 United States Government.

18 **SEC. 9. NOTICE.**

19 (a) NOTICE OF REPROGRAMMING.—If any funds au-
20 thorized by this Act are subject to a reprogramming action
21 that requires notice to be provided to the Appropriations
22 Committees of the House of Representatives and the Sen-
23 ate, notice of such action shall concurrently be provided
24 to the Committee on Science of the House of Representa-

1 tives and the Committee on Commerce, Science, and
2 Transportation of the Senate.

3 (b) NOTICE OF REORGANIZATION.—The Secretary of
4 Commerce shall provide notice to the Committees on
5 Science and Appropriations of the House of Representa-
6 tives, and the Committees on Commerce, Science, and
7 Transportation and Appropriations of the Senate, not
8 later than 15 days before any major reorganization of any
9 program, project, or activity of the National Institute of
10 Standards and Technology.

11 **SEC. 10. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.**

12 With the year 2000 fast approaching, it is the sense
13 of Congress that the National Institute of Standards and
14 Technology should—

15 (1) give high priority to correcting all 2-digit
16 date-related problems in its computer systems to en-
17 sure that those systems continue to operate effec-
18 tively in the year 2000 and beyond;

19 (2) assess immediately the extent of the risk to
20 the operations of the Institute posed by the problems
21 referred to in paragraph (1), and plan and budget
22 for achieving Year 2000 compliance for all of its
23 mission-critical systems; and

- 1 (3) develop contingency plans for those systems
- 2 that the Institute is unable to correct in time.

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