TITLE VI

SEC. . None of the funds made available in this Act may be used to provide any direct Federal financial benefit to any person who is not (1) a citizen or national of the United States; (2) an alien lawfully admitted for permanent residence; or (3) an alien granted legal status as a parolee, asylee, or refugee.

It was decided in the affirmative ..... { Yeas ..... 263 / Nays 156

¶58.21 [Roll No. 171]

AYES—263

Ackerman
Allard
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Brooks
Browder
Brown (OH)
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Carr
Castle
Chapman
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Darden
Deal
DeFazio
DeLay
Derrick
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kaptur
Kasich
Kim
King
Kingston
Klein
Klug
Knollenberg
Kolbe
Kreidler
Kyl
Lambert
Lancaster
LaRocco
Laughlin
Lazio
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Machtley
Maloney
Manton
Manzullo
Margolies-Mezvinsky
Mazzoli
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meehan
Menendez
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murphy
Myers
Neal (NC)
Nussle
Orton
Oxley
Pallone
Parker
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Rose
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schroeder
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torricelli
Traficant
Upton
Volkmer
Vucanovich
Walker
Walsh
Weldon
Williams
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—156

Abercrombie
Andrews (ME)
Andrews (NJ)
Bacchus (FL)
Baesler
Barlow
Becerra
Beilenson
Berman
Blackwell
Bonior
Boucher
Brown (CA)
Brown (FL)
Bryant
Cantwell
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
Danner
de Lugo (VI)
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Faleomavaega (AS)
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gephardt
Gonzalez
Grandy
Gutierrez
Hamburg
Hamilton
Harman
Hastings
Hayes
Hilliard
Hinchey
Hoagland
Hochbrueckner
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klink
Kopetski
LaFalce
Lantos
Levin
Lewis (GA)
Lowey
Mann
Markey
Martinez
Matsui
McCloskey
McDermott
McHale
McKinney
McNulty
Meek
Mfume
Miller (CA)
Mineta
Mink
Moakley
Moran
Murtha
Natcher
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Price (NC)
Rangel
Reed
Richardson
Romero-Barcelo (PR)
Ros-Lehtinen
Rostenkowski
Roybal-Allard
Rush
Sanders
Sawyer
Schenk
Schumer
Scott
Serrano
Shepherd
Skaggs
Slaughter
Smith (IA)
Stark
Stokes
Studds
Stupak
Swett
Swift
Tanner
Tejeda
Thompson
Torres
Towns
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Wheat
Woolsey
Wyden
Wynn
Yates

NOT VOTING—18

Bentley
Brewster
de la Garza
English (OK)
Gibbons
Hefner
Henry
Leach
McCurdy
Nadler
Packard
Reynolds
Sabo
Schiff
Synar
Waxman
Whitten
Wise

So the amendment was agreed to.

After some further time,

The SPEAKER pro tempore, Mr. MCNULTY, assumed the Chair.

When Mr. LANCASTER, Chairman, pursuant to House Resolution 164, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

Mr. KOLBE demanded a separate vote on the amendment to add a new title at the end of the bill (the COLLINS of Georgia amendment).

The question being put, viva voce,

Will the House agree to the following amendment on which a separate vote had been demanded?

At the end of the bill, add the following new title:

TITLE VI

SEC. . None of the funds made available in this Act may be used to provide any direct Federal financial benefit to any person who is not (1) a citizen or national of the United States; (2) an alien lawfully admitted for permanent residence; or (3) an alien granted legal status as a parolee, asylee, or refugee.

The SPEAKER pro tempore, Mr. MCNULTY, announced that the nays had it.

Mr. KOLBE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 288 / Nays 127

¶58.22 [Roll No. 172]

YEAS—288

Ackerman
Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Brooks
Browder
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
Deal
DeFazio
DeLauro
DeLay
Derrick
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kaptur
Kasich
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Menendez
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Myers
Neal (NC)
Nussle
Orton
Oxley
Pallone
Parker
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Rose
Roth
Roukema
Rowland

Royce	Snowe	Traficant
Sangmeister	Solomon	Upton
Santorum	Spence	Vento
Sarpalius	Spratt	Visclosky
Saxton	Stearns	Volkmer
Schaefer	Stenholm	Vucanovich
Sensenbrenner	Strickland	Walker
Sharp	Stump	Walsh
Shaw	Sundquist	Weldon
Shays	Swett	Williams
Shepherd	Talent	Wilson
Shuster	Tauzin	Wise
Sisisky	Taylor (MS)	Wolf
Skeen	Taylor (NC)	Woolsey
Skelton	Thomas (CA)	Young (AK)
Slattery	Thomas (WY)	Young (FL)
Smith (MI)	Thornton	Zeliff
Smith (NJ)	Thurman	Zimmer
Smith (OR)	Torkildsen	
Smith (TX)	Torricelli	

NAYS—127

Abercrombie	Hamburg	Price (NC)
Andrews (ME)	Hamilton	Rangel
Bacchus (FL)	Harman	Reed
Barlow	Hastings	Reynolds
Becerra	Hilliard	Richardson
Beilenson	Hoagland	Ros-Lehtinen
Berman	Hochbrueckner	Rostenkowski
Blackwell	Jefferson	Roybal-Allard
Bonior	Johnson, E.B.	Rush
Boucher	Johnston	Sanders
Brown (CA)	Kanjorski	Sawyer
Brown (FL)	Kennedy	Schenk
Clay	Kopetski	Schroeder
Clayton	LaFalce	Schumer
Clyburn	Levin	Scott
Coleman	Lewis (GA)	Serrano
Collins (IL)	Lowey	Skaggs
Collins (MI)	Markey	Slaughter
Conyers	Martinez	Smith (IA)
Coppersmith	Matsui	Stark
Coyne	McCloskey	Stokes
Dellums	McDermott	Studds
Deutsch	McHale	Stupak
Diaz-Balart	McKinney	Swift
Dingell	Meek	Tanner
Dixon	Mfume	Tejeda
Edwards (CA)	Miller (CA)	Thompson
Engel	Mineta	Torres
English (AZ)	Mink	Towns
Eshoo	Moakley	Tucker
Evans	Murtha	Unsoeld
Fazio	Natcher	Valentine
Fields (LA)	Neal (MA)	Velazquez
Filner	Oberstar	Washington
Fingerhut	Obey	Waters
Flake	Olver	Watt
Foglietta	Ortiz	Waxman
Ford (MI)	Owens	Wheat
Furse	Pastor	Wyden
Gonzalez	Payne (NJ)	Wynn
Grandy	Pelosi	Yates
Green	Peterson (FL)	
Gutierrez	Pickett	

NOT VOTING—17

Bentley	Henry	Packard
Brewster	Hinchey	Sabo
de la Garza	Hunter	Schiff
English (OK)	Johnson (SD)	Synar
Gibbons	Leach	Whitten
Hefner	Nadler	

So the amendment was agreed to.

The following amendment, as amended, was then agreed to:

Strike out all after the enacting clause and insert:

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Competitiveness Act of 1993''.

(b) TABLE OF CONTENTS.—

TITLE I—GENERAL PROVISIONS

Sec. 101. Short title; table of contents.
Sec. 102. Findings.
Sec. 103. Purposes.
Sec. 104. Definitions.

TITLE II—MANUFACTURING

Subtitle A—Manufacturing Technology and Extension

Sec. 201. Short title.
Sec. 202. Findings, purpose, and statement of policy.
Sec. 203. Role of the Department of Commerce.
Sec. 204. National Technology Outreach Program.
Sec. 205. Advanced Manufacturing Technology Development Program.
Sec. 206. Miscellaneous and conforming amendments.
Sec. 207. Manufacturing Technology Centers.
Sec. 208. State Technology Extension Program.

Subtitle B—National Science Foundation Manufacturing Programs

Sec. 211. Role of the National Science Foundation in manufacturing.
Sec. 212. Engineering and Cooperative Research Centers.
Sec. 213. Manufacturing traineeships and fellowships.
Sec. 214. Total quality management.

TITLE III—CRITICAL TECHNOLOGIES

Subtitle A—Benchmarking Science and Technology

Sec. 301. Benchmarking United States science and technology against foreign capabilities.

Subtitle B—Advanced Technology Program

Sec. 321. Development of program plan.
Sec. 322. Large scale research and development consortia.
Sec. 323. Technical amendments.
Sec. 324. Country qualification notice.
Sec. 325. Recoupment.

Subtitle C—Civilian Technology Loan Program

Sec. 331. Loan and loan guarantee authority.
Sec. 332. Operating plan and effective date.
Sec. 333. Terms and conditions.
Sec. 334. Technical assistance for lenders and borrowers.
Sec. 335. Outreach to economically depressed areas.
Sec. 336. Socially and economically disadvantaged individuals.
Sec. 337. Definitions.

Subtitle D—Civilian Technology Development Program

Sec. 341. Short title.
Sec. 342. Definitions.
Sec. 343. Establishment and purpose.
Sec. 344. Advisory Committee.
Sec. 345. Organization and licensing.
Sec. 346. Capital and management requirements.
Sec. 347. Financing for licensees.
Sec. 348. Issuance and guarantee of trust certificates.
Sec. 349. Venture capital for qualified business concerns.
Sec. 350. Operation.
Sec. 351. Regulations; liability.
Sec. 352. Technical assistance for licensees and qualified business concerns.
Sec. 353. Performance measures; Annual report.
Sec. 354. Reports, investigations, and examinations.
Sec. 355. Revocation and suspension of licenses; cease and desist orders.
Sec. 356. Injunctive relief.
Sec. 357. Conflicts of interest.
Sec. 358. Removal or suspension of directors and officers.
Sec. 359. Violations.
Sec. 360. Civil penalties.
Sec. 361. Antitrust savings clause.

TITLE IV—MISCELLANEOUS

Sec. 401. Department of Commerce Technology Advisory Board.
Sec. 402. International standardization.
Sec. 403. Malcolm Baldrige Award amendments.
Sec. 404. Cooperative research and development agreements.
Sec. 405. Competitiveness assessments and evaluations.
Sec. 406. Study of semiconductor lithography technologies.
Sec. 407. American workforce quality partnerships.
Sec. 408. Severability.
Sec. 409. Sunset.
Sec. 410. Use of domestic products.
Sec. 411. National Quality Program.
Sec. 412. Definitions.
Sec. 413. Fastener Quality Act amendments.

TITLE V—AUTHORIZATIONS OF APPROPRIATIONS

Sec. 501. Technology Administration.
Sec. 502. National Institute of Standards and Technology.
Sec. 503. Additional activities of the Technology Administration.
Sec. 504. National Science Foundation.
Sec. 505. Availability of appropriations.
Sec. 506. Prohibitions.

SEC. 102. FINDINGS.

The Congress finds that—

(1) the creation, development, and adoption of advanced technologies are significant determinants of sustainable economic growth, productivity improvement, and competitive standing;

(2) over the last decade, the rate of advanced technology adoption in the United States has been about half that of some prominent foreign nations and has contributed to a relative decline in United States industrial competitiveness;

(3) maintaining a highly competitive manufacturing base in the United States is essential for economic prosperity and national welfare and requires continuous development and adoption of advanced manufacturing technologies that will enable United States manufacturers to develop innovative products rapidly and manufacture goods of the highest quality at competitive prices;

(4) there is general agreement on which fields of technology are critical for economic competitiveness through the first decade of the next century, but the United States Government must pursue a comprehensive strategy to ensure that the appropriate research, development, and applications activities and other reforms occur so these technologies are readily available to United States manufacturers for incorporation into products made in the United States;

(5) technology-based products of the twenty-first century must be developed incorporating the values of sustainable development, including low energy and material use, safety, recyclability, and minimal pollution;

(6) the cost of and difficulty in obtaining investment capital for small high technology companies are significant deterrents to their formation, development, and growth;

(7) standardization of weights and measures, including development and promotion of product and quality standards, has a significant role to play in competitiveness;

(8) strategic technology planning for sustainable economic growth, the support of critical civilian technology research, development, and application, and advancement of manufacturing technology research, development, and adoption are appropriate Government roles; and

(9) programs established under this Act, and the amendments made by this Act, shall be funded as a result of shifting the total Federal investment in research and development to achieve a balance between support for defense and civilian activities, and shall not be financed through additional deficit spending.

SEC. 103. PURPOSES.

The purposes of this Act are to—

(1) promote and facilitate the creation, development, and adoption of technologies by United States companies throughout the Nation that will contribute significantly to United States competitiveness, employment, and sustainable economic growth;

(2) improve the competitiveness of United States manufacturers, particularly small

businesses, by developing a nationwide technology outreach program to improve access to information, expertise, technology, and management practices required to compete throughout the world;

(3) promote the development and rapid application of advanced manufacturing technologies and processes by United States manufacturers, with emphasis on environmentally sound practices and sustainable economic growth;

(4) stimulate long-term investment in United States companies engaged in development or utilization of critical or other advanced technologies;

(5) establish mechanisms to ensure synergistic linkages between Federal, State, and local initiatives aimed at enhancing the competitiveness of United States companies;

(6) enhance and expand the core programs of the National Institute of Standards and Technology, including the Advanced Technology Program;

(7) monitor and assess foreign technology capabilities relative to those of the United States in order to assist United States companies and policymakers in identifying and responding to competitive opportunities and challenges; and

(8) facilitate cooperation among Federal agencies with the goal of achieving an integrated national effort to improve United States competitiveness, employment, and sustainable growth.

SEC. 104. DEFINITIONS.

For purposes of this Act—

(1) the term ''advanced manufacturing technology'' has the meaning given such term in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980, as amended by section 206(a) of this Act;

(2) the term ''critical technologies'' means technologies identified as critical technologies pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d));

(3) the term ''Director'' means the Director of the Institute;

(4) the term ''Institute'' means the National Institute of Standards and Technology;

(5) the term ''modern technology'' has the meaning given such term in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980, as amended by section 206(a) of this Act;

(6) the term ''Secretary'' means the Secretary of Commerce;

(7) the term ''small business'' means a United States company that is a small business within the meaning given such term in the Small Business Act;

(8) the term ''sustainable economic growth'' has the meaning given such term in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980, as amended by section 206(a) of this Act;

(9) the term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States;

(10) the term ''United States'' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States;

(11) the term ''United States company'' has the meaning given such term in section (4) of the Stevenson-Wydler Technology Innovation Act of 1980, as amended by section 206(a) of this Act;

(12) the term ''United States manufacturer'' has the meaning given such term in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980, as amended by section 206(a) of this Act; and

(13) the term ''Under Secretary'' means the Under Secretary of Commerce for Technology.

TITLE II—MANUFACTURING

Subtitle A—Manufacturing Technology and Extension

SEC. 201. SHORT TITLE.

This subtitle may be cited as the ''Manufacturing Technology and Extension Act of 1993''.

SEC. 202. FINDINGS, PURPOSE, AND STATEMENT OF POLICY.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by adding at the end the following new title:

"TITLE III—MANUFACTURING TECHNOLOGY

"SEC. 301. FINDINGS, PURPOSE, AND STATEMENT OF POLICY.

''(a) FINDINGS.—Congress finds and declares the following:

''(1) United States manufacturers, especially small businesses, require the adoption and implementation of both modern and advanced manufacturing and process technologies to meet the challenge of foreign competition.

''(2) The development and application of modern and advanced manufacturing technologies are vital to the sustainable economic growth, standard of living, competitiveness in world markets, and national security and welfare of the United States.

''(3) New developments in flexible, computer-integrated manufacturing, electronic manufacturing communications networks, and other new technologies make possible dramatic improvements across all industrial sectors in productivity, quality, and the speed with which United States manufacturers can respond to changing market opportunities.

''(4) The application of advances in computer science and technology to manufacturing is also vital to the Nation's prosperity, national and economic security, industrial production, engineering, and scientific advancement.

''(5) The Department of Commerce's Technology Administration, along with other Federal agencies, can continue to play an important role in assisting United States companies to develop, test, and adopt modern and advanced manufacturing technologies and in establishing high-performance computing technology testbeds to develop, refine, test, and transfer advanced manufacturing and networking technologies and associated applications.

''(b) PURPOSE.—It is the purpose of this title to contribute to the competitiveness of the United States by enhancing the Department of Commerce's technology programs to—

''(1) provide United States manufacturers, especially small businesses, with ready access to high quality advice and assistance in the development, adoption, and improvement of modern manufacturing processes and technology, and in solving their specific technology-based problems; and

''(2) encourage, facilitate, and support the development and adoption of advanced manufacturing principles and technologies by United States manufacturers.

''(c) STATEMENT OF POLICY.—Congress declares that it is the policy of the United States that—

''(1) Federal agencies, particularly the Department of Commerce, shall work with United States manufacturers, labor, and the States to ensure that the United States is second to no other nation in the development, adoption, and use of modern and advanced manufacturing technology;

''(2) the Department of Commerce shall work with all the major Federal research and development agencies to encourage the development and adoption, by United States manufacturers, of advanced manufacturing technologies, and shall work closely with United States manufacturers and labor, and with the Nation's universities, to develop and test those technologies; and

''(3) the Department of Commerce shall place a high priority on the establishment and growth of a National Technology Outreach Program to promote and facilitate the development and use by United States manufacturers of modern and advanced manufacturing systems and applications for manufacturing.

''(d) CONSTRUCTION.—Nothing in this title shall be construed as modifying the duties and responsibilities of the Department of Energy with regard to its technology resources and expertise in matters under its jurisdiction.''.

SEC. 203. ROLE OF THE DEPARTMENT OF COMMERCE.

Title III of the Stevenson-Wydler Technology Innovation Act of 1980, as added by section 202 of this Act, is further amended by adding at the end the following new section:

"SEC. 302. ROLE OF THE DEPARTMENT OF COMMERCE.

''(a) DEPARTMENT OF COMMERCE.—Consistent with the purposes and policies of section 301, the Department of Commerce shall have primary responsibility in the Federal Government in working with United States manufacturers and labor and the States to develop advanced manufacturing technologies and to promote and assist the adoption and use of modern and advanced manufacturing technologies, practices, and management techniques throughout the United States. In carrying out this title, the Secretary, acting, as appropriate, through the Under Secretary and the Director, shall—

''(1) consult and cooperate with other Federal agencies, including the Department of Defense, the Department of Energy, and the National Aeronautics and Space Administration to ensure consistent and, where possible, coordinated efforts to promote the development and adoption of modern and advanced manufacturing technologies;

''(2) assist the Office of Science and Technology Policy in its efforts to coordinate the manufacturing technology activities of the various Federal agencies; and

''(3) work with representatives of Federal, State, and local agencies, manufacturing extension programs, private industry, industry groups, worker organizations, and academia to encourage and facilitate the use of both advanced manufacturing technologies, including those developed by the Advanced Manufacturing Technology Development Program established under section 304 of this Act, and modern manufacturing technologies and practices to United States manufacturers.

The Secretary shall annually report to Congress on actions taken under this subsection.

''(b) OTHER FEDERAL AGENCIES.—To the extent permitted by other law, other Federal agencies shall cooperate with the Secretary in carrying out this title.''.

SEC. 204. NATIONAL TECHNOLOGY OUTREACH PROGRAM.

Title III of the Stevenson-Wydler Technology Innovation Act of 1980, as added by sections 202 and 203 of this Act, is further amended by adding at the end the following new section:

"SEC. 303. NATIONAL TECHNOLOGY OUTREACH PROGRAM.

''(a) ESTABLISHMENT AND PURPOSE.—There is hereby established a National Technology

Outreach Program (in this section referred to as the 'Outreach Program'), the purpose of which shall be to—

''(1) interconnect, programmatically and electronically, the Nation's technology and manufacturing extension centers, programs, and activities;

''(2) improve the competitiveness of United States manufacturers and create jobs located in the United States; and

''(3) assist United States manufacturers, especially small businesses, to expand and accelerate the use of cost-effective modern manufacturing technologies and practices and to develop and adopt advanced manufacturing technologies. The Secretary, acting through the Under Secretary and the Director, shall implement and coordinate the Outreach Program in accordance with an initial plan and a 5-year plan for the Outreach Program, to be submitted to the Congress under subsection (g).

''(b) PROGRAM COMPONENTS.—The Outreach Program shall constitute a partnership between the Department of Commerce, the States, the private sector, and, as appropriate, shall include other Federal agencies to provide a national system of manufacturing and technology extension centers and technical services to United States manufacturers, particularly small businesses. The Outreach Program shall include—

''(1) Manufacturing Outreach Centers established under subsection (c);

''(2) Regional Centers for the Transfer of Manufacturing Technology established under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k);

''(3) the State Technology Extension Program established under section 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278l);

''(4) the Outreach Program Information Network and the Clearinghouse established under subsections (d) and (e) of this section, respectively; and

''(5) other technology and manufacturing extension centers and activities supported by Federal, State, or local agencies which could contribute to the goals of this title and that the Secretary considers appropriate for inclusion in the Outreach Program.

''(c) MANUFACTURING OUTREACH CENTERS.—(1) Eligible government and private sector organizations that are engaged in technology or manufacturing extension activities may apply to the Secretary for designation as Manufacturing Outreach Centers, in such form and manner as the Secretary may prescribe. Eligible organizations include Federal, State, and local government agencies, extension programs, universities, and laboratories; small business development centers; and professional societies, worker organizations, industrial organizations, nonprofit organizations, community development organizations, community colleges, and technical schools and colleges.

''(2) The Secretary shall establish standards, consistent with the requirements of subsection (f), for designation of existing technology or manufacturing extension programs and for qualification of start-up programs as Manufacturing Outreach Centers.

''(3) The Secretary may, through a competitive process, make grants, subject to the availability of appropriations, to Manufacturing Outreach Centers designated in accordance with the standards established under paragraph (2), to enable them to fulfill the purposes and perform the activities of the Outreach Program. If a State plan for technology extension exists in a State where an applicant for a grant under this paragraph is operating or plans to operate, the proposer shall demonstrate in its application that its proposal is compatible with such State plan. The purpose of such grants is to upgrade the overall quality of the Outreach Program and to contribute to the goal of ready availability of the services and information provided through the Outreach Program, including information on modern and advanced manufacturing technology, to all interested United States manufacturers. Such grants shall be awarded to increase the capabilities and capacity of Manufacturing Outreach Centers. Manufacturing Outreach Centers may not concurrently receive financial assistance under section 25 of the National Institute of Standards and Technology Act and grants under this paragraph. Grants may be awarded under this paragraph for an initial period not to exceed 3 years and may be renewed for one additional period, not to exceed 2 years. Such grants may not at any time exceed 50 percent of the operating costs and in-kind contributions of the grant recipient.

''(4) In selecting applicants to participate in the Outreach Program and in making grants under paragraph (3), the Secretary shall solicit and consider evaluations of the applicant's performance record and current capabilities, and the potential usefulness of the applicant's proposal, from United States manufacturers that the Secretary considers qualified to make such evaluations.

''(d) OUTREACH PROGRAM INFORMATION NETWORK.—(1) The Department of Commerce shall provide for an instantaneous, interactive electronic communications network (in this section referred to as the 'outreach network') to serve the Outreach Program, to facilitate effective and efficient interaction within it, and to permit the collection and dissemination in electronic form, in a timely and accurate manner, of information described in subsection (e). The outreach network shall, wherever practicable, make use of existing public and private computer networks, data bases, and electronic bulletin boards. The design, configuration, acquisition plan, and operating policies, including user fees and appropriate electronic access for public and private information suppliers and users, of the outreach network shall be included in the 5-year plan prepared under subsection (g)(2) and shall address—

''(A) effective mechanisms for providing operating funds for the maintenance and use of the outreach network established under this paragraph, including user fees, industry support, and continued Federal investment;

''(B) the future operation and evolution of the outreach network, including its relationship with other public or private information services;

''(C) how to protect the copyrights of material distributed over the outreach network; and

''(D) appropriate policies—

''(i) to ensure the security of proprietary information that might be available on the outreach network and to protect the privacy of users of the outreach network; and

''(ii) to facilitate and limit access to the outreach network and its information to member organizations of the Outreach Program and to United States companies, State and local governments, United States universities and colleges, and United States nonprofit organizations that the Secretary deems appropriate.

''(2) Except as provided in this section, the outreach network established under paragraph (1) shall be designed and configured in a manner that will enable interoperability with networks and technologies developed under the National High-Performance Computing Program described in section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511). The Secretary shall also, as appropriate, coordinate activities under this subsection with the relevant activities of other Federal agencies, particularly the agile manufacturing/enterprise integration activities of the Department of Defense.

''(e) CLEARINGHOUSE.—(1) The Secretary shall develop a clearinghouse system, using existing public and private sector information providers and carriers where appropriate, to—

''(A) identify expertise and acquire information, appropriate to the purpose of the Outreach Program stated in subsection (a), from all appropriate Federal sources, and where appropriate from other sources, providing assistance where necessary in making such information electronically available through and compatible with the outreach network;

''(B) ensure ready access, through the outreach network, by United States companies, Federal agencies, State and local governments, United States universities and colleges, United States nonprofit organizations that the Secretary deems appropriate, and member organizations of the Outreach Program, to the most recent relevant available information and expertise;

''(C) ensure that common standards of interconnection are utilized by the outreach network and the clearinghouse to allow maximum interoperability and usership; and

''(D) to the extent practicable, inform United States manufacturers of the availability of such information.

''(2) The clearinghouse shall include information available electronically on—

''(A) activities of Manufacturing Outreach Centers, Regional Centers for the Transfer of Manufacturing Technology, the State Technology Extension Program, and the users of the outreach network;

''(B) domestic and international standards and other export promotion information, including conformity assessment requirements and procedures;

''(C) the Malcolm Baldrige Quality program, and quality principles and standards;

''(D) manufacturing processes minimizing waste and negative environmental impact;

''(E) federally funded technology development and transfer programs;

''(F) how to access data bases and services; and

''(G) skills training, particularly the implementation and use of modern and advanced manufacturing techniques.

''(3) The Secretary, acting through the Under Secretary, may convene a national conference to develop recommendations for common standards for interconnection and for improved dissemination to users of the clearinghouse of information on domestic and international technical regulations and standards, and on conformity assessment procedures, including draft standards and regulations. Invited participants are to include a broad cross section of the standards, accreditation, and user communities.

''(f) ADDITIONAL REQUIREMENTS.—In carrying out this section, the Secretary shall satisfy the following requirements:

''(1) The Outreach Program and the outreach network shall be established and operated through cooperation and cofunding among Federal, State, and local governments, other public and private contributors, and end users that the Secretary determines are appropriate for providing maximum benefit to United States manufacturers.

''(2) The Outreach Program and the outreach network shall utilize and leverage, to the extent practicable, existing organizations, data bases, electronic networks, facilities, capabilities, and existing standards for interconnection, and shall be designed to complement rather than supplant State and local programs.

''(3) The Outreach Program and the outreach network shall be subject to all applicable provisions of law for the protection of trade secrets and business confidential information.

''(4) Access to the services available through the Outreach Program and information available through the outreach network servicing the Outreach Program shall be limited, as appropriate, to United States companies, State and local governments, United States universities and colleges, and United States nonprofit organizations that the Secretary deems appropriate.

''(5) Local or regional needs should determine the management structure and staffing of the Manufacturing Outreach Centers. The Outreach Program shall strive for geographical balance with the ultimate goal of access for all United States manufacturers.

''(6) Manufacturing Outreach Centers should have the capability to deliver outreach services directly to United States manufacturers, actively work with, rather than supplant, the private sector, and to the extent practicable, maximize the exposure of United States manufacturers to demonstrations of modern technologies in use, including flexible manufacturing practices.

''(7) The Department of Commerce shall develop mechanisms for—

''(A) soliciting the perspectives of United States manufacturers using the services of the Manufacturing Outreach Centers and Regional Centers for the Transfer of Manufacturing Technology; and

''(B) evaluating the effectiveness of the Manufacturing Outreach Centers and Regional Centers for the Transfer of Manufacturing Technology.

''(g) PLAN AND REPORTS.—(1) Within 6 months after the date of enactment of this title, the Secretary, after consultation with the Under Secretary, the Director, the Department of Commerce Technology Advisory Board, other appropriate Federal agencies, and a cross-section of potential participants in the Outreach Program, shall submit an initial plan for the implementation of this title to Congress—

''(A) describing how the Secretary will carry out the responsibility to create, operate, and support the Outreach Program and the outreach network, including the interactive electronic linkage of Manufacturing Outreach Centers to the programs of the Technology Administration and other appropriate Federal, State, and local agencies;

''(B) establishing criteria and procedures, consistent with the requirements of this title, for—

''(i) the selection of organizations to receive Department of Commerce services or financial assistance as part of the Outreach Program, including qualifications and training of technology extension agents;

''(ii) access to services provided by participants in the Outreach Program and to information available through the outreach network servicing the Outreach Program; and

''(iii) the annual evaluation of the Outreach Program in achieving the purposes of this title; and

''(C) evaluating the need for and the benefits of a National Conference of States on Technology Extension, similar in structure to the National Conference on Weights and Measures, and, if the Secretary determines that such a Conference is advisable, developing, in consultation with the States and other interested parties, a plan for the establishment, operation, funding, and evaluation of such a Conference.

''(2) Within 1 year after the date of enactment of this title, the Secretary, in consultation with the Under Secretary, the Director, and the Department of Commerce Technology Advisory Board, shall prepare and submit to the Congress a 5-year plan for implementing the Outreach Program and the outreach network and clearinghouse established under subsections (d) and (e), respectively. Such 5-year plan shall identify appropriate methods for expanding the Outreach Program in a geographically balanced manner. Such 5-year plan shall include a detailed implementation plan and cost estimates and shall take into consideration and build on the report submitted under paragraph (1). In the preparation of such 5-year plan, the Secretary shall provide an opportunity for public comment, and the plan submitted to Congress shall include a summary of comments received. Such plan may not be implemented until 90 days after its submission to the Congress.

''(3) Beginning with first year after submission of the 5-year plan under paragraph (2), the Secretary shall annually report to the Congress, at the time of the President's annual budget request to Congress, on—

''(A) progress made in achieving the purposes of the Outreach Program described in subsection (a) using criteria and procedures established under subsection (g)(1)(B)(iii);

''(B) changes proposed to the 5-year plan;

''(C) performance in adhering to schedules; and

''(D) any recommendations for legislative changes necessary to enhance the Outreach Program.

The report under this paragraph submitted at the end of the fourth year of operation of the Outreach Program shall include recommendations on whether to terminate the Outreach Program or extend it for an additional period not to exceed 5 years.''.

SEC. 205. ADVANCED MANUFACTURING TECHNOLOGY DEVELOPMENT PROGRAM.

Title III of the Stevenson-Wydler Technology Innovation Act of 1980, as added by sections 202, 203, and 204 of this Act, is further amended by adding at the end the following new section:

''SEC. 304. ADVANCED MANUFACTURING TECHNOLOGY DEVELOPMENT PROGRAM.

''(a) ESTABLISHMENT.—The Secretary, through the Under Secretary and the Director, shall establish an Advanced Manufacturing Technology Development Program which shall include projects to develop advanced manufacturing systems, networks, electronic data exchange, and which shall be complementary with advanced manufacturing technology development programs supported by other Federal agencies.

''(b) PURPOSE.—The purpose of the Advanced Manufacturing Technology Development Program is to create collaborative multiyear technology development programs involving United States companies and, as appropriate, cooperating with other Federal agencies and laboratories, the States, worker organizations, universities and colleges, independent research organizations, and other interested persons, in order to develop, refine, test, and transfer design and manufacturing technologies and associated applications, including advanced computer integration and electronic networks for manufacturing information exchange.

''(c) PROGRAM COMPONENTS.—The Advanced Manufacturing Technology Development Program shall include—

''(1) the advanced manufacturing research and development activities at the Institute; and

''(2) one or more technology development testbeds within the United States, selected in accordance with procedures, including cost sharing, established for the Advanced Technology Program established under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), whose purpose shall be to develop, refine, and test advanced manufacturing, data exchange, and networking technologies and associated applications and to facilitate the transfer of such technologies and applications to United States manufacturers.

''(d) FUNCTIONS AND ACTIVITIES.—The Advanced Manufacturing Technology Development Program, under the coordination of the Secretary, through the Director, shall—

''(1) test and, as appropriate, facilitate and support the development of the equipment, computer software, and systems integration necessary for the successful operation within the United States of advanced design and manufacturing systems and associated electronic networks;

''(2) establish at the Institute and the technology development testbed or testbeds—

''(A) prototype advanced computer-integrated manufacturing systems;

''(B) prototype electronic networks linking manufacturing systems; and

''(C) prototype clean manufacturing systems;

''(3) assist United States companies to develop voluntary consensus standards relevant to advanced computer-integrated manufacturing operations, including standards for networks, electronic data interchange, and digital product data specifications;

''(4) help to make high-performance computing and networking technologies an integral part of design and production processes where appropriate;

''(5) conduct research to identify and overcome technical barriers to the successful and cost-effective operation of advanced manufacturing systems and networks and to promote and facilitate electronic data exchange;

''(6) facilitate the efforts of United States companies to develop and test new applications for manufacturing systems, networks, and information exchange;

''(7) involve in the Advanced Manufacturing Technology Development Program, to the maximum extent practicable, both those United States manufacturers which make manufacturing technology and related computer equipment and software, and United States companies which buy such technology, equipment and software;

''(8) identify training needs, as appropriate, for managers, engineers, and employees of United States manufacturers in the operation and applications of advanced manufacturing technologies and networks, with particular emphasis on training for production workers in the effective use of advanced manufacturing technology;

''(9) work with United States companies, universities, independent research organizations, and other interested parties to develop standards, tools, and techniques for the use of advanced computer-based training systems, including multi-media and interactive learning technologies;

''(10) involve small businesses in its activities;

''(11) exchange information and personnel, as appropriate, between the technology development testbeds and the outreach network created under section 303(d); and

''(12) coordinate its activities with the National High-Performance Computing Program described in section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) to ensure that both programs are complementary and compatible.

''(e) TESTBED AWARDS.—(1) In selecting applicants to receive awards under subsection (c)(2) of this section, the Secretary shall give preferential consideration to applicants that have existing computer expertise in manufacturing applications and the ability to diffuse such expertise to United States companies, and that, in the case of joint research and development ventures, include both suppliers and users of advanced manufacturing technology. In the case of systems described in subsection (d)(2)(C), the Secretary shall also give preferential consideration to applicants that have existing program expertise in clean manufacturing, including the areas of concurrent engineering, materials research, and environmental science, and

which have a technology transfer mechanism in place to transfer testbed results of a clean manufacturing program to industry participants.

''(2) An industry-led joint research and development venture applying for an award under subsection (c)(2) of this section may include one or more State research organizations, universities, Federal laboratories, independent research organizations, or Regional Centers for the Transfer of Manufacturing Technology (as created under section 25 of the National Institute of Standards and Technology Act) and other organizations as the Secretary considers appropriate.

''(f) ADVICE AND ASSISTANCE.—(1) Within 6 months after the date of enactment of this title, and before any request for proposals is issued, the Secretary shall hold one or more workshops to solicit advice from United States companies and from other Federal agencies, particularly the Department of Defense, the Department of Energy, and the National Aeronautics and Space Administration, regarding the specific missions and activities of the testbeds.

''(2) The Secretary shall, to the greatest extent possible, coordinate activities under this section with activities of other Federal agencies and initiatives relating to computer-aided acquisition and logistics support, electronic data interchange, flexible computer-integrated manufacturing, and enterprise integration.

''(3) The Secretary may request and accept funds, facilities, equipment, or personnel from other Federal agencies in order to carry out this section.

''(g) ANTITRUST SAVINGS CLAUSE.—This section shall not be construed to modify, impair, or supersede the operation of the antitrust laws. For purposes of this subsection, the term 'antitrust laws' has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes the Act of June 19, 1936 (49 Stat. 1526; 15 U.S.C. 13 et seq.), commonly known as the Robinson Patman Act, and section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 applies to unfair methods of competition.''.

SEC. 206. MISCELLANEOUS AND CONFORMING AMENDMENTS.

(a) DEFINITIONS.—Section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703) is amended by adding at the end the following new paragraphs:

''(14) 'Director' means the Director of the National Institute of Standards and Technology.

''(15) 'Institute' means the National Institute of Standards and Technology.

''(16) 'Assistant Secretary' means the Assistant Secretary of Commerce for Technology Policy.

''(17) 'Advanced manufacturing technology' means—

''(A) numerically-controlled machine tools, robots, automated process control equipment, computerized flexible manufacturing systems, associated computer software, and other technology for improving manufacturing and industrial production of goods, including biotechnology products, which advance the state-of-the-art; or

''(B) novel manufacturing techniques and processes not previously generally available that improve manufacturing quality, productivity, and practices, including engineering design, quality assurance, concurrent engineering, continuous process production technology, inventory management, upgraded worker skills, communications with customers and suppliers, and promotion of sustainable economic growth.

''(18) 'Modern technology' means the best available proven technology, techniques, and processes appropriate to enhancing the productivity of manufacturers or to promoting sustainable economic growth.

''(19) 'Sustainable economic growth' means economic growth that enhances the national quality of life and preserves environmental integrity.

''(20) The term 'United States company' means an entity which the Secretary finds, based on a demonstration by such entity—

''(A) maintains substantial employment in the United States;

''(B) agrees, with respect to a technology arising from assistance provided under this Act or the National Competitiveness Act of 1993, to promote the manufacture within the United States of products resulting from that technology;

''(C) agrees to procure parts and materials for such products from competitive United States suppliers; and

''(D) either—

''(i) is a United States-owned company; or

''(ii) is a company incorporated in the United States that has a parent company incorporated in a country which the Secretary finds—

''(I) affords to United States-owned companies opportunities comparable to those afforded to any other company to participate in programs and to have access to resources and information equivalent to the opportunities authorized under this Act or the National Competitiveness Act of 1993 to foreign-owned entities engaged in commerce in the United States;

''(II) has a standards development and conformity assessment process that is open and transparent, and that results in standards that are fair and reasonable and do not discriminate against United States products and production processes;

''(III) affords to United States-owned companies local investment opportunities comparable to those afforded any other company; and

''(IV) affords adequate and effective protection for the intellectual property rights of United States-owned companies.

''(21) The term 'United States manufacturer' means a United States company which the Secretary finds, based on a demonstration by such company, makes substantial investments in the United States in research, development, and manufacturing (including the manufacture of major components or subassemblies in the United States).

''(22) The term 'United States-owned company' has the meaning given such term in section 28(j)(2) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(j)(2).

''(23) 'Benchmarking' means the assessment of foreign science and technology capabilities relative to comparable United States capabilities.

''(24) 'Independent research organizations' means nonprofit organizations organized primarily for the purpose of conducting or managing research activities.''.

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

(1) by inserting immediately after section 4 the following new title heading:

''TITLE I—DEPARTMENT OF COMMERCE AND RELATED PROGRAMS'';

(2) by redesignating sections 5 through 10 as sections 101 through 106, respectively;

(3) by redesignating sections 16 through 22, as sections 107 through 113, respectively;

(4) by inserting immediately after section 113 (as redesignated by paragraph (3) of this subsection) the following new title heading:

''TITLE II—FEDERAL TECHNOLOGY TRANSFER'';

(5) by redesignating sections 11 through 15 as sections 201 through 205, respectively;

(6) by redesignating section 23 as section 206;

(7) in section 4—

(A) by striking ''section 5'' each place it appears and inserting in lieu thereof ''section 101'';

(B) in paragraphs (4) and (6), by striking ''section 6'' and ''section 8'' each place they appear and inserting in lieu thereof ''section 102'' and ''section 104'', respectively; and

(C) in paragraph (13), by striking ''section 6'' and inserting in lieu thereof ''section 102'';

(8) in section 105 (as redesignated by paragraph (2) of this subsection) by striking ''section 6'' each place it appears and inserting in lieu thereof ''section 102'';

(9) in section 106(d) (as redesignated by paragraph (2) of this subsection) by striking ''7, 9, 11, 15, 17, or 20'' and inserting in lieu thereof ''103, 105, 108, 111, 201, or 205'';

(10) in section 201(i) (as redesignated by paragraph (5) of this subsection) by inserting ''loan, lease, or'' after ''may''; and by inserting ''Actions taken under this subsection shall not be subject to Federal requirements on the disposal of property.'' after ''activities.'';

(11) in section 202(b) (as redesignated by paragraph (5) of this subsection) by striking ''section 14'' and inserting in lieu thereof ''section 204'';

(12) in section 204(a)(1) (as redesignated by paragraph (5) of this subsection) by striking ''section 12'' and inserting in lieu thereof ''section 202'';

(13) in section 113 (as redesignated by paragraph (3) of this subsection) by striking ''sections 11, 12, and 13'' and inserting in lieu thereof ''sections 201, 202, and 203'';

(14) in section 206 (as redesignated by paragraph (6) of this subsection)—

(A) by striking ''section 11(b)'' in subsection (a)(2) and inserting in lieu thereof ''section 201(b)''; and

(B) by striking ''section 6(d)'' in subsection (b) and inserting in lieu thereof ''section 102(d)''; and

(15) by adding at the end of section 201 (as redesignated by paragraph (5) of this subsection) the following new subsection:

''(j) ADDITIONAL TECHNOLOGY TRANSFER MECHANISMS.—In addition to the technology transfer mechanisms set forth in this section and section 202 of this Act, the heads of Federal departments and agencies also may transfer technologies through the technology transfer and extension programs of the Department of Commerce and the Department of Defense.''.

SEC. 207. MANUFACTURING TECHNOLOGY CENTERS.

Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k), is amended—

(1) by amending the section heading to read as follows: ''MANUFACTURING TECHNOLOGY CENTERS'';

(2) in subsection (c)(5), by striking ''which are designed'' and all that follows through ''operation of a Center'' and inserting in lieu thereof ''to a maximum of one-third Federal funding. Each Center which receives financial assistance under this section shall be evaluated during its sixth year of operation, and at such subsequent times as the Secretary considers appropriate, by an evaluation panel appointed by the Secretary in the same manner as was the evaluation panel previously appointed. The Secretary shall not provide funding for additional years of the Center's operation unless the evaluation is positive and the Secretary finds that continuation of funding furthers the goals of the Department. Such additional Federal funding shall not exceed one-third of the cost of the Center's operations'';

(3) by striking subsection (d); and

(4) by adding at the end the following new subsections:

''(d) If a Center receives a positive evaluation during its third year of operation, the Director may, any time after that evaluation, contract with the Center to provide additional technology extension or transfer services above and beyond the baseline activities of the Center. Such additional services may include, but are not limited to, the development and operation of the following:

''(1) Programs to assist United States companies that are engaged in manufacturing and their employees, including front-line production workers, in the Center's region to learn and apply the technologies, techniques, and processes associated with systems management technology, electronic data exchange, or improving manufacturing productivity.

''(2) Services focused on the testing, development, and application of manufacturing and process technologies within specific technical fields such as advanced materials or electronics fabrication for the purpose of assisting United States companies that are engaged in manufacturing, both within the Center's original service region and in other regions, to improve manufacturing quality, product design, workforce training, and production efficiency in those specific technical fields.

''(3) Industry-led demonstration programs that involve United States manufacturing technology consortia to provide ongoing research, technology transfer, and worker training assistance to their members. An award under this paragraph shall be for no more than $500,000 per year, and shall be subject to renewal after a 1-year demonstration period.

''(e) In addition to any assistance provided or contracts entered into with a Center under this section, the Director is authorized to make separate and smaller awards, through a competitive process, to nonprofit organizations which wish to work with a Center. Such awards shall be for the purpose of enabling those organizations to provide outreach services, in collaboration with the Center, to United States manufacturers located in parts of the region served by the Center which are not easily accessible to the Center and which are not served by any other manufacturing outreach center. Organizations which receive such awards shall be known as Local Manufacturing Offices. In reviewing applications, the Director shall consider the needs of rural as well as urban manufacturers. No single award for a Local Manufacturing Office shall be for more than three years, awards shall be renewable through the competitive awards process, and no award shall be made unless the applicant provides matching funds at least equal to the amount received under this section.

''(f) In carrying out this section, the Director shall coordinate his efforts with the plans for the National Technology Outreach Program established under section 303 of the Stevenson-Wydler Technology Innovation Act of 1980.''.

SEC. 208. STATE TECHNOLOGY EXTENSION PROGRAM.

(a) ESTABLISHMENT.—Section 26(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278l(a)), is amended—

(1) by inserting immediately after ''(a)'' the following new sentence: ''There is established within the Institute a State Technology Extension Program.''; and

(2) by inserting ''through that Program'' immediately after ''technical assistance''.

(b) ADDITIONAL AUTHORITIES.—Section 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278l) is amended by adding at the end the following new subsection:

''(c) In addition to the general authorities listed in subsection (b) of this section, the State Technology Extension Program also may, through merit-based competitive review processes—

''(1) make awards to States and conduct workshops, pursuant to section 5121(b) of the Omnibus Trade and Competitiveness Act of 1988, in order to help States improve their planning and coordination of technology extension activities;

''(2) support technology demonstration projects to help States provide technical assistance and services to United States manufacturers that will improve their productivity and competitiveness;

''(3) support State efforts to develop and test innovative ways to help United States manufacturers improve their technical capabilities;

''(4) support State efforts designed to help United States manufacturers in rural as well as urban areas adopt modern manufacturing technologies;

''(5) support State efforts to assist interested United States manufacturers in the defense industry to adapt to modern or advanced manufacturing technologies as they convert to nondefense or dual-use purposes;

''(6) support worker technology education programs in the States at institutions such as research universities, community colleges, labor education centers, labor-management committees, and worker organizations in production technologies critical to the Nation's future, with an emphasis on high-performance work systems, the skills necessary to use modern or advanced manufacturing systems well;

''(7) help States develop programs to train personnel who in turn can provide technical skills to managers and workers of United States manufacturers; and

''(8) support State efforts to assist United States manufacturers to develop on-the-job training in modern and advanced manufacturing technologies, techniques, and processes and to promote the development and adoption of modern and advanced manufacturing technologies.''.

Subtitle B—National Science Foun- dation Manufacturing Programs

SEC. 211. ROLE OF THE NATIONAL SCIENCE FOUNDATION IN MANUFACTURING.

The Director of the National Science Foundation, after appropriate consultation with the Secretary, the Under Secretary, and the Director, shall—

(1) work with United States companies to identify areas of research in advanced manufacturing technologies and practices that offer the potential to improve United States productivity, competitiveness, employment, and sustainable economic growth;

(2) support research at United States universities to improve advanced manufacturing technologies and practices; and

(3) work with the Technology Administration and the Institute and, as appropriate, other Federal agencies to accelerate the transfer to United States companies of manufacturing research and innovations developed at universities.

SEC. 212. ENGINEERING AND COOPERATIVE RESEARCH CENTERS.

The Director of the National Science Foundation shall strengthen and expand the number of Engineering Research Centers and strengthen and expand the Industry/University Cooperative Research Centers Program with the goal of increasing the engineering talent base versed in critical technologies, with emphasis on advanced manufacturing technology and practices, and of advancing fundamental engineering knowledge in these technologies, including biotechnology. At least one Engineering Research Center shall have a research and education focus on the concerns of United States manufacturers, including small businesses that are trying to modernize their operations. Awards under this section shall be made on a competitive, merit review basis and on terms and conditions the Director may prescribe to ensure that the purposes for which the award is made are satisfied. Such awards may include support for acquisition of instrumentation, equipment, and facilities related to the research and education activities of the Centers and support for undergraduate students to participate in the activities of the Centers.

SEC. 213. MANUFACTURING TRAINEESHIPS AND FELLOWSHIPS.

(a) GRADUATE TRAINEESHIPS.—The Director of the National Science Foundation, in consultation with the Secretary, may establish a program to provide traineeships to graduate students at institutions of higher education within the United States who are citizens of the United States and who choose to pursue masters or doctoral degrees in manufacturing engineering. The Director of the National Science Foundation shall make an effort to ensure the provision of traineeships under this subsection to socially and economically disadvantaged individuals (within the meaning of section 8(a) (5) and (6) of the Small Business Act, and including women).

(b) MANUFACTURING MANAGERS IN THE CLASSROOM PROGRAM.—The Director of the National Science Foundation, in consultation with the Secretary, may establish a program to provide fellowships, on a cost-shared basis, to employees of United States companies with experience in manufacturing to serve for 1 or 2 years as instructors in manufacturing at 2-year community and technical colleges in the United States.

SEC. 214. TOTAL QUALITY MANAGEMENT.

The Director of the National Science Foundation, in consultation with the Secretary, the Under Secretary, and the Director, may establish a program to develop innovative curricula, courses, and materials for use by institutions of higher education for instruction in total quality management and related management practices, in order to help improve the productivity of United States companies.

TITLE III—CRITICAL TECHNOLOGIES

Subtitle A—Benchmarking Science and Technology

SEC. 301. BENCHMARKING UNITED STATES SCIENCE AND TECHNOLOGY AGAINST FOREIGN CAPABILITIES.

The Stevenson-Wydler Technology Innovation Act of 1980, as amended by this Act, is further amended by adding at the end the following new title:

"TITLE IV—BENCHMARKING SCIENCE AND TECHNOLOGY

"SEC. 401. FINDINGS AND PURPOSES.

''(a) FINDINGS.—As other countries have gained strength in new technologies and as centers of technical excellence have developed around the world, it has become increasingly important for United States companies and research organizations to understand their scientific and technological capabilities relative to those of other global competitors.

''(b) PURPOSES.—The purposes of this title are to conduct and coordinate the collection, evaluation, and dissemination, to United States companies, State and local governments, and nonprofit organizations, of information on foreign science and technology, specifically information assessing foreign capabilities relative to comparable United States capabilities.

"SEC. 402. PROGRAM RESPONSIBILITIES.

''(a) DEPARTMENT OF COMMERCE.—The Department of Commerce shall be the lead agency of the Federal Government in mak-

ing available information for assessing the comparative strength of United States scientific and technological capabilities. The Secretary, acting through the Under Secretary, shall—

''(1) collect within the Federal Government and disseminate to United States companies, State and local governments, and nonprofit organizations information regarding foreign process and product research and technologies of importance to United States companies and the Federal Government, and regarding related technology assessment activities already underway in the Federal Government;

''(2) provide such information and analyses in electronic form, and ensure, consistent with confidentiality and security considerations, that they will be available through the clearinghouse to the outreach network created under section 303 of this Act;

''(3) work, in coordination with the Federal Coordinating Council for Science, Engineering, and Technology, as appropriate, to streamline Federal Government procedures for collecting, evaluating, and disseminating information analyzing foreign scientific and technological information; and

''(4) conduct appropriate planning for more comprehensive collection, evaluation, dissemination, and application of foreign science and technology information.

''(b) OTHER AGENCIES.—All executive departments and agencies shall assist the Secretary in carrying out this title.

''(c) ADDITIONAL AUTHORITIES.—The Secretary, acting through the Under Secretary, is authorized to—

''(1) arrange for access to information collected and developed under this title, in electronic form or otherwise, by authorized and interested parties, including charging and retaining fees for expenditure, subject to appropriations;

''(2) provide for the collection of additional information to fulfill the purposes of this title;

''(3) provide for analysis of foreign research and development activities and technological capabilities, particularly in those areas where the United States is considered to be at par or lagging foreign capabilities or where foreign capabilities are projected to overtake those of the United States;

''(4) enter into joint ventures authorized under section 212(a)(1)(A) of Public Law 100–519 (15 U.S.C. 3704b(a)(1)(a)) in carrying out this title;

''(5) consult with users of such information, as appropriate, on the usefulness of available foreign scientific and technological information and on the need for additional information and assessment activities and consult with other affected agencies of the Federal Government to promote consistent and useful collection, assessment, and analysis of foreign technological information; and

''(6) establish and administer the fellowship program described in subsection (d).

''(d) FELLOWSHIP PROGRAM.—(1) The Secretary, acting through the Under Secretary, shall establish and administer a fellowship program to support Technology Fellows to assist the Under Secretary in carrying out activities under this title relating to those countries that are major competitors of the United States in critical technologies, and to identify opportunities for technology transfer to the United States or technological collaboration for United States industries.

''(2) Technology Fellows shall—

''(A) regularly report to the Department of Commerce on work planned, in progress, and accomplished; and

''(B) provide support to the Department of Commerce as requested by that Department.

''(3) Fellowships awarded under the program established under this subsection shall—

''(A) be awarded for a period of 2 years;

''(B) be reasonable and appropriate; and

''(C) include provisions for living and office arrangements in the host country.

''(4) Only individuals who—

''(A) have at least a bachelors degree in engineering or science; and

''(B) have at least 5 years of work experience in manufacturing or technology development,

shall be eligible for a fellowship under this program.''.

Subtitle B—Advanced Technology Program

SEC. 321. DEVELOPMENT OF PROGRAM PLAN.

The Secretary, acting through the Under Secretary and the Director, shall, within 6 months after the date of enactment of this Act, submit to the Congress a plan for the expansion of the Advanced Technology Program established under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), with specific consideration given to—

(1) closer coordination and cooperation with the Advanced Research Projects Agency and other Federal research and development agencies, including joint funding of large scale consortia, as appropriate;

(2) broadening of the scope of the program to include and focus on as many critical technologies identified pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d)) as is appropriate; and

(3) changes that may be needed when annual funds available for awards and cooperative agreements under the Program reach levels of $200,000,000 and $500,000,000.

SEC. 322. LARGE SCALE RESEARCH AND DEVELOPMENT CONSORTIA.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Director, may establish a program for the support of large-scale research and development consortia.

(b) SELECTION PROCEDURES AND REQUIREMENTS.—

(1) GENERAL RULE.—Except as provided in paragraph (2), the selection and making of awards to large-scale research and development consortia under this section shall be carried out in accordance with procedures and requirements applicable to joint ventures described in section 28(b)(1) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(b)(1)).

(2) EXCEPTION.—Notwithstanding section 28(b)(1)(B)(ii) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(b)(1)(B)(ii)), for purposes of awards made under this section, a minority share of the cost of large-scale research and development consortia may be provided by the Federal Government for up to 7 years.

(c) PROJECT SELECTION.—Preference shall be given for selection under this section to large-scale research and development consortia that would not be undertaken by the private sector without a Federal investment of $30,000,000 or more per year.

(d) SELECTION CRITERIA.—In selecting large-scale research and development consortia under this section, the Secretary, acting through the Director, shall give priority to consortia that best achieve the following goals:

(1) Significant contribution to broad economic growth.

(2) Significant contribution to the national quality of life.

(3) Significant contribution to environmental sustainability.

(4) Promotion of private sector partnership with Federal research and development activities.

(5) Substantial improvement of the international competitiveness of United States companies.

(6) Involvement of several competitor firms in the development of the key consortia technologies.

(7) Strengthening of the linkages between domestic suppliers, systems developers, and end-users.

(8) Participation by domestic end-users from several industrial sectors.

(9) Promotion of the diffusion of nonproprietary information to United States companies through strong links with organizations such as trade and professional groups.

(e) INDEPENDENT TECHNICAL REVIEW.—The Secretary, through the Director, shall provide for technical review at least once every three years of large-scale research and development consortia receiving support under this section, by the National Institute of Standards and Technology, other national laboratories, the Department of Commerce Technology Advisory Board established under section 401 of this Act, or independent research organizations that are not a participant in the large-scale research and development consortium being reviewed. Such review shall be for the purpose of determining progress toward the objectives for which such large-scale research and development consortium was formed, with recommendations for improvement, funding adjustments, or termination of Federal support. The Secretary, through the Director, shall transmit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an annual status report summarizing significant accomplishments in achieving those objectives.

(f) STUDY.—The Secretary, through the Director, shall undertake a study to determine the best way to maximize the benefit of large-scale research and development consortia to industry as a whole in carrying out this section. The results of such study shall be submitted to the Congress within 6 months after the date of the enactment of this Act. Such report shall include criteria and procedures for the evaluation by the Director of the progress of consortia funded under this section.

(g) TERMINATION.—The Secretary shall establish criteria and procedures for terminating Federal funding of a consortium under this section if the Secretary determines that such consortium is not making acceptable progress toward achieving its goals. No consortium shall receive funding under this section for more than 7 years.

(h) DEFINITION.—For purposes of this section, the term ''large-scale research and development consortia'' means a joint venture described in section 28(b)(1) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(b)(1)).

SEC. 323. TECHNICAL AMENDMENTS.

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

(1) by adding at the end the following new subsection:

''(k) Notwithstanding subsections (b)(1)(B)(ii) and (d)(3), the Director may grant an extension of not to exceed 6 months beyond the deadlines established under those subsections for joint venture and single applicant awardees to expend Federal funds to complete their projects, if such extension may be granted with no additional cost to the Federal Government.'';

(2) in subsection (b)(2), by inserting '', and with independent research organizations'' after ''especially small businesses''; and

(3) in subsection (j)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(B) by inserting before paragraph (2), as so redesignated, the following new paragraph:

''(1) the term 'independent research organizations' means nonprofit organizations orga-

nized primarily for the purpose of conducting or managing research activities;''.

SEC. 324. COUNTRY QUALIFICATION NOTICE.

Section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) is amended by adding at the end thereof the following new subsection:

''(l) The Secretary shall provide prospective applicants for assistance under this section with guidance as to their eligibility under subsection (d)(9)(B)(ii). No such applicant shall be required to provide evidence that a country is a country described in such subsection (d)(9)(B)(ii).''.

SEC. 325. RECOUPMENT.

Section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) is amended by adding the following new subsection:

''(l)(1) Not later than 180 days after the date of enactment of this subsection, the Secretary shall establish procedures and criteria for recoupment in connection with any project, for which a grant, contract, or cooperative agreement is made under this section, which has led to the development of a product or process which is marketed or used.

''(2)(A) Except as provided in subparagraph (B), such recoupment shall be required as a condition for award and be proportional to the Federal share of the costs of such project, and shall be derived from the proceeds of royalties or licensing fees received in connection with such product or process.

''(B) In the case where a product or process is used by the recipient of the financial assistance under this section for the production and sale of its own products or processes, the recoupment shall consist of a payment equivalent to the payment which would be made under subparagraph (A).

''(3) The Secretary may at any time waive or defer all or some of the recoupment requirements of this subsection as necessary, depending on—

''(A) the commercial competitiveness of the entity or entities developing or using the product or process;

''(B) the profitability of the project; and

''(C) the commercial viability of the product or process utilized.''.

Subtitle C—Civilian Technology Loan Program

SEC. 331. LOAN AND LOAN GUARANTEE AUTHORITY.

To the extent provided in appropriation Acts, the Secretary, acting through the Under Secretary, may make, or enter into agreements to make, loans and loan guarantees, either directly or in cooperation with other lenders, to small and medium-sized qualified business concerns in accordance with this subtitle.

SEC. 332. OPERATING PLAN AND EFFECTIVE DATE.

(a) OPERATING PLAN.—The Secretary, acting through the Under Secretary, shall prepare (in consultation with the Advisory Committee established under section 344, other appropriate executive agencies, the States, United States companies, the financial community, and other appropriate parties) and submit to the Congress on or before November 1, 1993, an operating plan to carry out this subtitle. In preparing such plan, the Secretary shall consider and evaluate alternative approaches to achieving the purposes of this subtitle and shall develop recommendations, as appropriate, to fulfill the purposes of this subtitle in the most effective and efficient manner achievable. Such evaluations and recommendations shall be included in the plan submitted under this subsection.

(b) EFFECTIVE DATE.—Except as provided in subsection (a), the provisions of this subtitle shall take effect on October 1, 1994.

SEC. 333. TERMS AND CONDITIONS.

Loans and loan guarantees made under section 331 shall be in such form and manner and under such terms and conditions as the Under Secretary may prescribe by regulation, and shall be subject to the following terms and conditions:

(1) Loans awarded or guaranteed shall be for sound financing of research, development, demonstration, or utilization of critical technologies or advanced technologies.

(2) Loans shall only be awarded or guaranteed if the Under Secretary finds that—

(A) sufficient collateral, which may include both tangible and intangible assets, is pledged; or

(B) the borrower is sufficiently financially sound,

to reasonably ensure repayment.

(3) Loans awarded or guaranteed may not exceed 50 percent of total eligible project costs. For purposes of this section, the term ''eligible project costs'' shall be defined by the Under Secretary by regulation.

(4) The total principal amount of outstanding loans awarded or guaranteed to a single borrower may not exceed $2,000,000 at any time.

(5) Loans awarded or guaranteed shall be senior to any other debt obligations of the borrower, except to the extent that the Under Secretary considers necessary to accommodate the borrower's ability to raise sufficient debt or equity capital from non-Federal sources to pay the balance of eligible project costs that are not covered by such loans.

(6) Interest on a loan, or portion of a loan, awarded or guaranteed by the Federal Government under this subtitle shall be at a rate determined by the Secretary of the Treasury, at the time such loan is made, to equal the then current average market yield on outstanding debt obligations of the United States with remaining periods to maturity comparable to the maturity of such loan, plus an additional charge of up to 1 percent applied by the Under Secretary to cover expected defaults and reasonable administrative costs of carrying out this subtitle. For purposes of this section, the term ''default'' shall be defined by the Under Secretary by regulation.

(7) Except as provided in paragraph (8), the maturity of loans awarded or guaranteed under this subtitle may not be less than 2 years or greater than—

(A) 10 years; or

(B) the useful life of property, plant, equipment, or other assets, as determined by the Secretary of the Treasury, which have been pledged as collateral for such loan,

whichever is greater.

(8) The Under Secretary may extend the maturity of or renew a loan or extend the guarantee of a loan for additional periods, not to exceed 5 years, only if such extension or renewal will aid in the orderly liquidation of such loan.

(9) Payment of interest on direct loans made by the Federal Government under this subtitle may be deferred by the borrower, upon approval by the Under Secretary, only to the extent that the borrower has established to the satisfaction of the Under Secretary that the borrower has not realized sufficient earnings and returns of capital to make such payment without incurring undue financial hardship, and that there is a reasonable prospect that such loan and interest thereon will be repaid.

(10) The Under Secretary may guarantee payment of 100 percent of principal and interest on a loan made under section 331.

(11) The Under Secretary may establish, charge, and regulate fees to cover loan origination and servicing costs that are reasonable and necessary.

SEC. 334. TECHNICAL ASSISTANCE FOR LENDERS AND BORROWERS.

The Secretary, acting through the Under Secretary, shall, upon request, provide technical assistance and services, as appropriate and needed, to lenders and borrowers under this subtitle, and shall ensure that such lenders and borrowers have ready access to appropriate assistance available under title III of the Stevenson-Wydler Technology Innovation Act of 1980, or under any other Act, in order to aid such lenders and borrowers in achieving the purposes described in section 333(1). The Secretary may charge fees for technical assistance and services provided under this section in amounts sufficient to cover the reasonable cost of such assistance and services. The Secretary may waive such fees on a case-by-case basis. Fees paid to the United States under this section shall be deposited in an account established by the Under Secretary and shall be available solely for carrying out this subtitle, to the extent provided in advance in appropriations Acts.

SEC. 335. OUTREACH TO ECONOMICALLY DEPRESSED AREAS.

The Secretary, acting through the Under Secretary, shall seek to ensure that qualified business concerns located in areas determined by the Secretary to have a depressed economy, or a significant concentration of defense-related industries, or chronically high unemployment, are notified of the availability of financial assistance through the program established under this subtitle and, to the extent practicable, to encourage and facilitate the participation of such qualified business concerns in such program.

SEC. 336. SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.

The Secretary shall, to the fullest extent possible, ensure that at least 10 percent of amounts loaned under this subtitle shall be made available to qualified business concerns owned or controlled by socially and economically disadvantaged individuals (within the meaning of section 8(a) (5) and (6) of the Small Business Act, and including women). Nothing in this section shall permit or require the use of quotas or a requirement that has the effect of a quota in determining eligibility for loans made available under this subtitle. Nothing in this section shall be considered to extend eligibility to individuals on the basis of sexual orientation.

SEC. 337. DEFINITIONS.

For purposes of this subtitle, the terms ''advanced technologies'', ''critical technologies'', and ''qualified business concern'' have the meaning given such terms in section 342 of this Act.

Subtitle D—Civilian Technology Development Program

SEC. 341. SHORT TITLE.

This subtitle may be cited as the ''Civilian Technology Development Act of 1993''.

SEC. 342. DEFINITIONS.

For purposes of this subtitle—

(1) the term ''advanced technologies'' means technologies eligible for assistance under the Advanced Technology Program established under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

(2) the term ''articles'' means articles of incorporation for an incorporated body, and the functional equivalent, or other similar documents specified by the Under Secretary, for other business entities;

(3) the term ''critical technologies'' means technologies identified as critical technologies pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d));

(4) the term ''Department'' means the Department of Commerce;

(5) the term ''executive agency'' has the meaning given such term in section 105 of title 5, United States Code;

(6) the term ''license'' means a license issued by the Under Secretary under section 345;

(7) the term ''licensee'' means a company licensed under section 345;

(8) the term ''preferred securities'' means preferred stock or a preferred limited partnership interest or other similar security, as defined by the Under Secretary by regulation;

(9) the term ''private equity capital'' means the paid-in capital and paid-in surplus, on hand or legally committed to be provided, of a licensee organized as a corporation, or the partnership capital, on hand or legally committed to be provided, of a licensee organized as an unincorporated partnership, but does not include any funds—

(A) borrowed by the licensee from any source;

(B) obtained from the sale of preferred securities; or

(C) derived directly or indirectly from any Federal source;

(10) the term ''qualified business concern'' means a United States company described in section 28(d)(9)(B) of the National Institute Standards and Technology Act (15 U.S.C. 278n(d)(9)(B)), if—

(A) the business of such company includes the pursuit, under the Small Business Innovation Research (SBIR) program, of applications described in section 9(e)(4)(C) of the Small Business Act (15 U.S.C. 638(e)(4)(C));

(B) the principal business of such company is the development or application of a critical technology;

(C) such company is eligible for assistance under the Advanced Technology Program (ATP) established under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n); or

(D) such company is principally engaged in the development or exploitation of inventions, technological improvements, new processes, or products not previously generally available (within the meaning of section 851(e)(1) of the Internal Revenue Code of 1986);

(11) the term ''State'' means several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States;

(12) the term ''State sponsored licensee'' means a company licensed under section 345 in which a State or instrumentality of a State has at least a 25 percent investment interest in the private equity capital of such licensee;

(13) the term ''university sponsored licensee'' means a company licensed under section 345 in which a single university or consortium of universities has at least a 25 percent investment interest in the private equity capital of such licensee; and

(14) the term ''venture capital'' means consideration for such—

(A) common stock;

(B) preferred stock;

(C) debt with equity features which may include equity warrants or rights to convert into common stock and which provides for interest payments contingent upon and limited to the extent of earnings; or

(D) other financing,

as the Under Secretary determines to be substantially similar to equity financing, issued by a qualified business concern.

SEC. 343. ESTABLISHMENT AND PURPOSE.

(a) ESTABLISHMENT.—There is established within the Technology Administration of the Department of Commerce a national program to stimulate and supplement the availability of long-term investment capital for the formation, development, and growth of qualified business concerns throughout the United States. The Secretary, through the Under Secretary, shall, through such program, provide for the selection, licensing, monitoring, and financial and technical support of professionally managed technology investment companies which in turn shall provide financial, management, and technical assistance to qualified business concerns, with preference given to satisfying the seed and early-stage financing needs of such concerns that are not being met by other sources on reasonable terms.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to contribute to United States economic competitiveness, employment, and prosperity;

(2) to promote the advancement, maturation, and application of critical and other advanced technologies;

(3) to supplement and stimulate long-term investment in qualified business concerns; and

(4) to encourage and facilitate the formation and growth of professionally managed technology investment companies throughout the United States that will give preference to satisfying the capital needs of qualified business concerns, especially during their early stages of development.

(c) RESPONSIBILITIES.—(1) In carrying out this subtitle, the Secretary, acting through the Under Secretary, and subject to the availability of appropriations, shall—

(A) consult with and, to the extent permitted by law, utilize the capabilities of other executive agencies, as appropriate, to ensure the efficient and effective implementation of this subtitle;

(B) explore, with other executive agencies, ways to avoid duplication of effort by consolidating the administration of the program established by this subtitle with any other similar Federal program, and as part of such consolidation may delegate administrative functions, as necessary and appropriate, to another executive agency;

(C) consult with the Secretary of Energy, the Secretary of Defense, and the Administrator of the National Aeronautics and Space Administration, on all policy matters related to the Civilian Technology Development Program that deal with development or utilization of technologies developed by those agencies;

(D) consult with State governments to ensure that the existing programs run by or chartered by State governments which seek to accomplish purposes similar to those stated in subsection (b) are encouraged and not undermined by the implementation of this subtitle; and

(E) explore with State governments ways in which programs currently run by or chartered by State governments which seek to accomplish purposes similar to those stated in subsection (b) can serve as models for the Secretary or be used to ensure the efficient and effective implementation of this subtitle.

(2) To the extent permitted by law, other executive agencies shall cooperate with the Under Secretary in carrying out this subtitle.

(d) OPERATING PLAN.—The Secretary, acting through the Under Secretary, shall prepare (in consultation with the Advisory Committee established under section 344, other appropriate executive agencies, the States, United States companies, the financial community, and other appropriate parties) and submit to the Congress on or about November 1, 1993, an operating plan to carry out this subtitle. In preparing such plan, the Secretary shall consider and evaluate alternative approaches to achieving the purposes of this subtitle and shall develop recommendations, as appropriate, to fulfill the purposes of this subtitle in the most effective and efficient manner achievable. Such evaluations and recommendations shall be included in the plan submitted under this subsection.

(e) OUTREACH TO ECONOMICALLY DEPRESSED AREAS.—The Secretary, acting through the Under Secretary, shall seek to ensure that qualified business concerns located in areas determined by the Secretary to have a depressed economy, or a significant concentration of defense-related industries, or chronically high unemployment, are notified of the availability of financial assistance through the program established under this subtitle and, to the extent practicable, to encourage and facilitate the participation of such qualified business concerns in such program.

(f) EFFECTIVE DATE.—Except as provided in subsection (d) and in sections 344 and 351(a), the provisions of this subtitle shall take effect on October 1, 1994.

SEC. 344. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established a Civilian Technology Development Advisory Committee (in this section referred to as the ''CTD Advisory Committee'').

(b) COMPOSITION.—The CTD Advisory Committee shall be composed of 7 members, appointed by the Under Secretary from among private individuals who, because of their experience and accomplishments in technology development, maturation, and adoption, business development, venture capital, finance, or other relevant areas, are exceptionally qualified to perform the duties of the CTD Advisory Committee. The Under Secretary shall designate 1 member to serve as chairman.

(c) DUTIES.—The duties of the CTD Advisory Committee shall include advising the Under Secretary on all matters related to policy, planning, execution, and evaluation of the program established under this subtitle.

(d) TERMINATION.—Section 14 of the Federal Advisory Committee Act shall not apply to the CTD Advisory Committee.

SEC. 345. ORGANIZATION AND LICENSING.

(a) IN GENERAL.—Any incorporated body, limited partnership, or State instrumentality organized and chartered or otherwise existing under State law for the purpose of performing the functions and conducting the activities contemplated under this subtitle, that possesses the powers, capabilities, and expertise reasonably necessary to perform such functions and conduct such activities, may apply for a license under this subtitle in such form and manner as the Under Secretary may prescribe.

(b) ARTICLES.—The articles of any applicant shall specify in general terms the objects for which the applicant is formed, the name assumed by such applicant, the area or areas in which its operations are to be carried on, the place where its principal office is to be located, and the amount and classes of its shares of capital stock. Such articles may contain any other provisions not inconsistent with this subtitle that the applicant may see fit to adopt for the regulation of its business and the conduct of its affairs. Such articles and any amendments thereto adopted from time to time shall be subject to the approval of the Under Secretary.

(c) BUSINESS PLAN.—The business plan of any applicant shall specify in general terms—

(1) how the applicant proposes to achieve the objects for which it is formed, to operate and govern its business, and to fulfill the purposes and satisfy the requirements of this subtitle;

(2) the board members or general partners and the management and professional staff of the applicant, and the professional training, experience, reputation, and investment performance record, if any, of each such individual, along with a description of the applicant's current and proposed management structure;

(3) all current or committed private investors in the applicant, together with the amount, terms, conditions, and conveyances associated with such investment, and appropriate background information on each private investor; and

(4) such other information as the Under Secretary may require.

Such business plan and any material amendments thereto adopted from time to time shall be subject to the approval of the Under Secretary.

(d) APPROVAL OF ARTICLES AND BUSINESS PLAN; LICENSING.—The articles and business plan of an applicant for a license shall be forwarded to the Under Secretary for consideration and approval or disapproval. In determining whether to approve a prospective licensee's articles and business plan and permit it to operate under the provisions of this subtitle, the Under Secretary shall give due regard, among other things, to the general business reputation, character, suitability, and demonstrated ability, experience, and performance in the development, growth, and financing of qualified business concerns, of the proposed owners and management of the prospective licensee, and the likelihood of successful operations of the prospective licensee including adequate profitability and financial soundness. After consideration of all relevant factors, if the Under Secretary approves the company's articles and business plan and determines that the applicant satisfies or will satisfy the requirements of this subtitle, the Under Secretary may approve the company to operate under the provisions of this subtitle and issue the company a license for such operation.

SEC. 346. CAPITAL AND MANAGEMENT REQUIREMENTS.

(a) CAPITAL.—(1) The private equity capital of a licensee shall be adequate to ensure a reasonable prospect that the licensee will be operated soundly and profitably, and managed actively and prudently in accordance with its articles and business plan. Such private equity capital shall not be less than $5,000,000, except that, in the case of a State sponsored licensee or a university sponsored licensee, such private equity capital shall not be less than $2,500,000. At the time of issuance of a license, not less than 75 percent of the private equity capital of the licensee shall be available or committed to be available for new investment in accordance with this subtitle.

(2) To the extent permitted by other law, including the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), private and public pension funds may contribute to the private equity capital of a licensee without restriction as to the amount of such contribution.

(3) State and local government entities may contribute not more than 40 percent of the total private equity capital of a licensee.

(4) The aggregate amount of shares in any such licensee or licensees which may be owned or controlled by any stockholder, or by any group or class of stockholders, may be limited by the Under Secretary.

(b) MANAGEMENT.—The management and operational control of a licensee shall be carried out by suitable private individuals who possess the professional training, experience, and capabilities reasonably necessary to achieve the purposes of this subtitle.

SEC. 347. FINANCING FOR LICENSEES.

(a) AUTHORITY TO PURCHASE AND GUARANTEE PREFERRED SECURITIES.—To encourage and facilitate the formation and growth of licensees and qualified business concerns, the Under Secretary may purchase or commit to purchase nonvoting preferred securities, with or without equity warrants, issued by a licensee, or guarantee, or commit to guarantee, the payment of 100 percent of the redemption price of and dividends on such preferred securities, to the extent provided in appropriations Acts, if the licensee has demonstrated to the satisfaction of the Under Secretary that it is financially sound and that it has complied with or will comply with the requirements of this subtitle, the terms of its license, and any rule, regulation, or order issued under this subtitle. Such purchases and guarantees shall constitute direct loans and loan guarantees within the meaning of paragraphs (1) and (3) of section 502 of the Federal Credit Reform Act of 1990, respectively. A trust or pool acting on behalf of the Under Secretary may purchase preferred securities that are guaranteed under this subsection.

(b) TERMS AND CONDITIONS OF PREFERRED SECURITIES.—(1) Guarantees and purchases of preferred securities, or commitments to make such guarantees and purchases, under this section may be made on such terms and conditions as the Under Secretary shall establish by regulation or set forth in contract to ensure compliance with this subtitle and to protect the interests of taxpayers and the United States in the event of default or otherwise. For purposes of this paragraph, the Under Secretary shall by regulation define the term ''default''.

(2)(A) Except as provided in subparagraph (B), preferred securities issued under this section shall be senior in priority for all purposes to all non-Federal equity interests in a licensee unless the Under Secretary, in the exercise of reasonable investment prudence and in considering the financial soundness of the licensee, determines otherwise.

(B) The equity interests of a university or consortium of universities, or of a State or instrumentality of a State, in a licensee shall be equal in priority to Federal equity interests in such licensee for all purposes unless the Under Secretary, in the exercise of reasonable investment prudence and in considering the financial soundness of the licensee, determines otherwise.

(3) Preferred securities issued under this section shall be redeemed by the issuer not later than 10 years after their date of issuance for an amount equal to 100 percent of the original issue price plus any accrued and unpaid dividends. In order to facilitate the orderly liquidation of a licensee's investments, redemption of such preferred securities may be extended by mutual consent for no more than 5 years beyond such expiration date.

(4) Preferred securities issued under this section shall pay dividends at a rate determined by the Secretary of the Treasury at the time of issuance to equal the then current average market yield on outstanding marketable debt obligations of the United States with remaining periods to maturity comparable to the time to required redemption of such preferred securities, plus such additional charge, if any, toward covering expected defaults and reasonable administrative costs of carrying out this subtitle as the Under Secretary may determine to be reasonable and appropriate. Such additional charge shall not exceed 2 percent.

(5) Dividends on preferred securities issued under this section shall be cumulative and preferred and paid out of net realized earnings and returns of capital available for distribution, as defined by the Under Secretary by regulation.

(6) The payment of dividends on preferred securities issued under this section may be deferred by the issuer until such time as, and to the extent that, the issuer realizes earnings and returns of capital available for distribution. Accumulated and unpaid dividends on such preferred securities shall be paid by the issuer before or at the time of redemption of the preferred securities and before any distribution of net realized earnings and returns of capital of the issuer to its non-Federal equity investors, except as provided in subsection (e)(2) (B) and (C). With respect to preferred securities issued under this section to a party other than the Under Secretary, during the time of any deferral under this paragraph, the Under Secretary shall make, on behalf of the issuer, required dividend payments to the holder of the preferred securities, its agents or assigns, or the appropriate central registration agent, if any. The authority to make dividend payments provided in this paragraph shall be limited to the extent of amounts provided in advance in appropriations Acts for such purposes.

(7) For purposes of this subsection, the term ''dividends'' means dividends on preferred stock and returns on preferred limited partnership interests or other similar securities, as defined by the Under Secretary by regulation.

(c) LIMITATIONS AND RESTRICTIONS.—(1) The total principal amount of debt, as evidenced by notes, bonds, debentures, or certificates of indebtedness, plus the total face amount of preferred securities purchased or guaranteed by the Under Secretary under subsection (a), issued and outstanding from a licensee shall not exceed 200 percent of the private equity capital of the licensee.

(2) The total face amount of preferred securities purchased or guaranteed by the Under Secretary under subsection (a) and outstanding from a licensee or a combination of licensees which are commonly controlled, as defined and determined by the Under Secretary, shall not exceed $50,000,000.

(3)(A) If preferred securities issued under this section are outstanding, then the issuing licensee shall be subject to the following restrictions:

(i) The total principal amount of debt, as evidenced by notes, bonds, debentures, or certificates of indebtedness, of a licensee issued and outstanding may not exceed 50 percent of the private equity capital of the licensee.

(ii) The annual management expenses of a licensee shall not exceed an amount which the Under Secretary determines to be reasonable and appropriate.

(iii) The aggregate amount of obligations and securities acquired and for which commitments may be issued by a licensee for any single qualified business concern shall not exceed $2,000,000 or 20 percent of the private equity capital of such licensee, whichever is greater, unless the Under Secretary approves a greater amount.

(B) For purposes of this paragraph, the term ''management expenses'' includes expenses incurred in the normal course of operations, but shall not include the cost of legal, accounting, and consulting services provided by outside parties and by affiliates of the licensee which are not normal practice in making and monitoring investments consistent with the purposes of this subtitle.

(d) USE OF CAPITAL BY LICENSEES.—(1) A licensee issuing preferred securities under this section shall invest or commit to invest—

(A) an amount equal to the face value of such preferred securities that are outstanding; plus

(B) an amount of its private equity capital equal to 50 percent of the amount described in subparagraph (A),

in the venture capital of qualified business concerns in accordance with section 349.

(2) At least 50 percent of the amount of investments required under paragraph (1) shall be for seed and early stage financing, as de-

fined by the Under Secretary by regulation. The Under Secretary may alter the percentage requirement under this paragraph to the extent necessary, in the determination of the Under Secretary, to achieve the purposes of this subtitle and maintain prudent investment diversification.

(3) Proceeds to a licensee derived from preferred securities issued under this section may be used by the issuer to redeem any preferred securities issued under this section that have been outstanding at least 5 years, as provided in subsection (b)(3).

(4) Proceeds to a licensee derived from preferred securities issued under this section that have not been invested pursuant to paragraphs (1) and (2) or used for redemptions pursuant to paragraph (3) and are not reasonably needed for the operations of the licensee shall be invested in direct obligations of, or obligations guaranteed as to principal and interest by, the United States, or in certificates of deposit maturing within one year or less, issued by any institution the accounts of which are insured by the Federal Deposit Insurance Corporation.

(e) PROFIT DISTRIBUTION BY LICENSEES.—(1) Any distribution of net realized earnings and returns of capital made by a licensee that exceeds amounts required for the purposes stated in paragraph (2) shall be distributed pro rata to all investors entitled to such distributions. The United States shall receive no funds under this paragraph.

(2)(A) Except as provided in subparagraphs (B) and (C), any distribution of net realized earnings and returns of capital made by a licensee shall first be used to pay accumulated and unpaid dividends owed on outstanding preferred securities issued under this section and to satisfy the redemption requirements of subsection (b)(3).

(B) For purposes of subparagraph (A), the redemption requirements of subsection (b)(3) shall be considered to be satisfied if necessary and appropriate actions, as determined by the Under Secretary, have been undertaken by the licensee to ensure that such requirements will be satisfied.

(C) If a licensee is operating as a limited partnership or as a corporation described in subchapter S of chapter 1 of subtitle A of the Internal Revenue Code of 1986 or an equivalent pass-through entity for tax purposes, it may distribute to the partners or shareholders an amount equal to the estimated amount of Federal, State, and local income taxes due from such partners and shareholders on their share of undistributed taxable income for the current taxable year before payments described in subparagraph (A) are made.

(f) USE OF PAYMENTS TO THE UNITED STATES.—Amounts received by the United States from the payment of dividends and the redemption of preferred securities pursuant to this section, and fees paid to the United States by a licensee pursuant to this subtitle, shall be deposited in an account established by the Under Secretary and shall be available solely for carrying out this subtitle, to the extent provided in advance in appropriations Acts.

SEC. 348. ISSUANCE AND GUARANTEE OF TRUST CERTIFICATES.

(a) AUTHORITY TO ISSUE TRUST CERTIFICATES.—The Under Secretary is authorized to issue trust certificates representing ownership of all or a fractional part of preferred securities issued by licensees and guaranteed by the Under Secretary under this subtitle. Such trust certificates shall be based on and backed by a trust or pool approved by the Under Secretary and composed of preferred securities and such other contractual obligations as the Under Secretary may undertake to facilitate the sale of such trust certificates.

(b) GUARANTEE OF TRUST CERTIFICATES.—The Under Secretary is authorized, upon such terms and conditions as are deemed appropriate, to guarantee the timely payment of the principal of and interest on trust certificates issued by the Under Secretary or his agent for purposes of this section. Such guarantee shall be limited to the extent of the redemption price of and dividends on the preferred securities, plus any related contractual obligations, which compose the trust or pool.

(c) PREPAYMENTS AND REDEMPTIONS.—In the event that preferred securities or contractual obligations in such trust or pool are redeemed or extinguished, either voluntarily or involuntarily, the guarantee of timely payment of principal and interest on the trust certificates shall be reduced in proportion to the amount of redemption price and dividends such redeemed preferred security or extinguished contractual obligation represents in the trust or pool. Dividends or partnership profit distributions on such preferred securities and related contractual obligations, shall accrue and be guaranteed by the Under Secretary only through the date of payment on the guarantee. During the term of the trust certificate, it may be called for redemption, whether voluntary or involuntary, of all preferred securities residing in the pool.

(d) FEES.—The Under Secretary may collect fees for a guarantee under this section that are reasonable and customary.

(e) PAYMENT OF CLAIMS.—(1) In the event the Under Secretary pays a claim under a guarantee issued under this section, it shall be subrogated fully to the rights satisfied by such payment.

(2) No State or local law, and no Federal law, shall preclude or limit the exercise by the Under Secretary of ownership rights in the preferred securities residing in a trust or pool against which trust certificates are issued.

(f) REGISTRATION AND INTERMEDIARY OPERATIONS.—(1) The Under Secretary shall provide for a central registration of all trust certificates sold pursuant to this section. Such central registration shall include with respect to each sale, identification of each licensee, the interest rate or dividend rate paid by the licensee, commissions, fees, or discounts paid to brokers and dealers in trust certificates, identification of each purchaser of the trust certificate, the price paid by the purchaser for the trust certificate, the interest rate paid on the trust certificate, the fees of any agent for carrying out the functions described in paragraph (2), and such other information as the Under Secretary deems appropriate.

(2) The Under Secretary shall contract with an agent or agents to carry out on behalf of the Under Secretary the pooling and the central registration functions of this section including, notwithstanding any other provision of law, maintenance on behalf of and under the direction of the Under Secretary, such commercial bank accounts as may be necessary to facilitate trusts or pools backed by securities guaranteed or purchased under this subtitle, and the issuance of trust certificates to facilitate such poolings. Such agent or agents shall provide a fidelity bond or insurance in such amounts as the Under Secretary determines to be necessary to fully protect the interests of the Federal Government.

(3) Prior to any sale, the Under Secretary shall require the seller to disclose to a purchaser of a trust certificate issued pursuant to this section, information on the terms, conditions, and yield of such instrument.

SEC. 349. VENTURE CAPITAL FOR QUALIFIED BUSINESS CONCERNS.

Each licensee may provide venture capital to qualified business concerns, in such manner and under such terms as the licensee may fix in accordance with the regulations of the Under Secretary.

SEC. 350. OPERATION.

(a) COOPERATION.—Wherever practicable the operations of a licensee, including the generation of business, may be undertaken in cooperation with banks or other licensees, investors, or lenders, incorporated or unincorporated, and any servicing or initial investigation required for loans or acquisitions of securities by the licensee under the provisions of this subtitle may be handled through such banks or other licensees, investors, or lenders on a fee basis. Any licensee may receive fees for services rendered to such banks and other licensees, investors, and lenders.

(b) ADVISORY SERVICES.—Each licensee may make use, wherever practicable, of the advisory services of the Federal Reserve System and of the Department of Commerce which are available for and useful to industrial and commercial businesses, and may provide consulting and advisory services on a fee basis and have on its staff persons competent to provide such services. A licensee may not charge fees for such services that are provided to a qualified business concern in which it has an investment.

SEC. 351. REGULATIONS; LIABILITY.

(a) REGULATIONS.—The Under Secretary is authorized to prescribe regulations governing the operations of licensees, and to carry out the provisions of this subtitle, in accordance with the purposes of this subtitle.

(b) LIABILITY OF THE UNITED STATES.—Nothing in this subtitle or in any other provision of law imposes any liability on the United States with respect to any obligations entered into, or stocks issued, or commitments made, by any licensee operating under the provisions of this subtitle.

SEC. 352. TECHNICAL ASSISTANCE FOR LICENSEES AND QUALIFIED BUSINESS CONCERNS.

(a) TECHNICAL ASSISTANCE.—The Secretary shall, upon request, provide technical assistance and services, as appropriate and needed, to licensees and to qualified business concerns receiving financial assistance under this subtitle, and shall ensure that such qualified business concerns have ready access to appropriate assistance available under title III of the Stevenson-Wydler Technology Innovation Act of 1980, or under any other Act, in order to aid such qualified business concerns in their development or utilization of critical or other advanced technologies. Technical assistance and services under this subsection shall include providing licensees and qualified business concerns with—

(1) an assessment of the technological and scientific feasibility of a project, or an analysis of a specific field of technical or scientific endeavor;

(2) improved access to technology developed by the Institute and assistance in obtaining access to technology developed by other Federal agencies and laboratories;

(3) expert analysis of the economics of technology development undertaken by a qualified business concern; and

(4) any other assistance or service that the Under Secretary determines, after consultation with licensees and qualified business concerns, is necessary and appropriate to enhance prospects for success and to reduce technical risk for licensees and qualified business concerns.

(b) FEES.—The Secretary may charge fees for services and technical assistance provided under subsection (a) in amounts sufficient to cover the reasonable cost of such services and assistance. The Secretary may waive fees established under this subsection.

SEC. 353. PERFORMANCE MEASURES; ANNUAL REPORT.

(a) PERFORMANCE MEASURES.—The performance of the program established under this subtitle shall be evaluated relative to progress made in achieving its purposes and shall be measured in relevant and meaningful terms such as significant accomplishments in advancing technology, businesses formed and financed, jobs created, taxes generated, licenses granted and maintained, capital invested, and other criteria the Under Secretary may deem appropriate.

(b) ANNUAL REPORT.—The Under Secretary shall prepare, in consultation with the advisory committee established under section 344, and submit annually a report to the Congress containing a full and detailed account of operations under this subtitle. Such report shall include—

(1) an assessment of progress made in achieving the purposes of this subtitle;

(2) performance measures established under subsection (a);

(3) a list of licensees along with their location, area of operations, investment objectives, capitalization, and net asset value, both at cost and at current fair market value;

(4) an audit setting forth the amount, type, recipient, and source of disbursements, receipts, and losses sustained by the Federal Government as a result of operations under this subtitle during the preceding fiscal year and since inception of the program;

(5) the Under Secretary's plans to ensure the provision of licensee financing to all areas of the country and to all qualified business concerns, and plans to notify and to encourage and facilitate the participation of qualified business concerns as required by section 343(e), including steps taken to accomplish those goals;

(6) steps taken by the Under Secretary to carry out this subtitle and to ensure compliance with statutory and regulatory standards relating thereto; and

(7) recommendations with respect to program changes, statutory changes, and other matters, including tax incentives, to improve and facilitate the operations of licensees and to encourage the use of their financing facilities by qualified business concerns.

SEC. 354. REPORTS, INVESTIGATIONS, AND EXAMINATIONS.

(a) REPORTING REQUIREMENTS.—Each license issued under this subtitle shall require a licensee with outstanding preferred securities to provide the Under Secretary such information, including companies financed, disbursements made along with associated terms and conditions, receipts, portfolio valuation and net asset value at cost and at estimated fair market value, and other financial statements, that the Under Secretary may require to satisfy the requirements of section 353(b) and to determine, in a timely manner, compliance with this subtitle and regulations promulgated under this subtitle. Such reporting shall be—

(1) except as otherwise provided in this subsection, consistent with the reporting practices and standards of the venture capital industry;

(2) uniform for all licensees;

(3) submitted annually to the Under Secretary, with valuation and other information provided more frequently as the Under Secretary may require; and

(4) certified by the Board of Directors or the General Partners of the licensee.

The Under Secretary may exempt from making such reports any licensee which is registered under the Investment Company Act of 1940 only to the extent necessary to avoid duplication in reporting requirements.

(b) VALUATIONS.—The Under Secretary shall, by regulation, establish guidelines for estimating the fair market value of investments held by a licensee as required under subsection (a). The board of directors of a corporate licensee and the general partners of a partnership licensee shall have the sole responsibility for making a good faith determination of the fair market value of investments held by such licensee, based on guidelines established under this subsection.

(c) INVESTIGATIONS.—The Secretary may undertake investigations to determine whether a licensee or any other person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this subtitle, or of any rule, regulation, or order issued under this subtitle. The Secretary shall permit any person to file a statement in writing, under oath or otherwise as the Secretary shall determine, as to all the facts and circumstances concerning the matter to be investigated. For the purpose of any investigation, the Secretary is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry.

(d) EXAMINATIONS.—Each licensee shall be subject to examinations made at the discretion and direction of the Under Secretary by examiners selected or approved by, and under the supervision of, the Under Secretary. The Under Secretary may enter into contracts with private parties to perform such examinations. The cost of such examinations, including the compensation of the examiners, may in the discretion of the Under Secretary be assessed against the licensee examined and when so assessed shall be paid by such licensee.

SEC. 355. REVOCATION AND SUSPENSION OF LICENSES; CEASE AND DESIST ORDERS.

(a) GROUNDS FOR REVOCATION OR SUSPENSION.—A license may be revoked or suspended by the Secretary—

(1) for willful or repeated violation of any provision of this subtitle or any rule, regulation, or order issued thereunder; or

(2) if the licensee no longer serves the purposes for which it was granted a license.

(b) CEASE AND DESIST ORDERS.—Where a licensee or any other person has not complied with any provision of this subtitle, or of any rule, regulation, or order issued thereunder, or is engaging or is about to engage in any acts or practices which constitute or will constitute a violation of such provision, rule, regulation, or order, the Secretary may order such licensee or other person to cease and desist from such action or failure to act. The Secretary may further order such licensee or other person to take such action or to refrain from such action as the Secretary considers necessary to ensure compliance with such provisions, rules, regulations, or orders. The Secretary may also suspend the license of a licensee, against whom an order has been issued, until such licensee complies with such order.

(c) SUBPOENAS.—The Secretary may require by subpoenas the attendance and testimony of witnesses and the production of all books, papers, and documents relating to the hearing from any place in the United States.

(d) ENFORCEMENT.—If any licensee or other person against which or against whom an order is issued under this section fails to obey the order, the Secretary may apply to the district court of the United States for the district where the licensee has its principal place of business, for the enforcement of the order.

SEC. 356. INJUNCTIVE RELIEF.

(a) IN GENERAL.—If the Secretary determines that a licensee or any other person has engaged, or is about to engage, in any acts or practices which constitute a violation of any provision of this subtitle, or of any rule, regulation, or order issued under this subtitle, the Secretary may apply to the appropriate district court of the United States for injunctive relief.

(b) RECEIVERSHIP.—Whenever it is necessary in order to achieve the purposes of injunctive relief granted under subsection (a), and upon proper application by the Secretary, the court may order the attachment of assets of a licensee and may appoint a receiver to administer such assets under the direction of the court.

SEC. 357. CONFLICTS OF INTEREST.

For the purpose of controlling conflicts of interest which may be detrimental to qualified business concerns, to licensees, to the shareholders or partners of either, or to the purposes of this subtitle, the Under Secretary shall adopt regulations to govern transactions with any officer, director, shareholder, or partner of any licensee, or with any person or concern, in which any interest, direct or indirect, financial or otherwise, is held by any officer, director, shareholder, or partner of (1) any licensee, or (2) any person or concern with an interest, direct or indirect, financial or otherwise, in any licensee. Such regulations shall include appropriate requirements for public disclosure (including disclosure in the locality most directly affected by the transaction) necessary to the purposes of this section.

SEC. 358. REMOVAL OR SUSPENSION OF DIRECTORS AND OFFICERS.

(a) GROUNDS.—The Secretary, after an opportunity for agency hearing, may serve upon any director or officer of a licensee a written notice of its intention to remove such director or officer from office, temporarily or permanently, whenever in the opinion of the Secretary such director or officer—

(1) has willfully and knowingly—

(A) committed any substantial violation of this subtitle or any rule, regulation, or order issued under this subtitle; or

(B) committed or engaged in any act, omission, or practice which constitutes a substantial breach of his fiduciary duty as such director or officer,

and that such violation or such breach of fiduciary duty is one involving personal dishonesty on the part of such director or officer; or

(2) has been convicted of a felony involving dishonesty or breach of trust.

(b) HEARING.—A hearing under this section shall be on the record and shall be held in the Federal judicial district or in the territory in which the principal office of the licensee is located unless the party afforded the hearing consents to another place. A hearing under this section shall be fixed for a date not earlier than 30 days nor later than 60 days after the date of service of such notice, unless an earlier or a later date is set by the Secretary at the request of (1) such director or officer and for good cause shown, or (2) the Attorney General of the United States. Unless such director or officer shall appear at the hearing in person or by a duly authorized representative, he shall be deemed to have consented to the issuance of an order of such removal.

SEC. 359. VIOLATIONS.

(a) PARTICIPATION.—Whenever a licensee commits a violation of this subtitle, or any rule, regulation, or order issued under this subtitle, such violation shall be deemed to be also a violation on the part of any person who, directly or indirectly, authorizes, orders, participates in, or causes, brings about, counsels, aids, or abets in the commission of such violation.

(b) BREACH OF FIDUCIARY DUTY.—It shall be a violation of this subtitle for any officer, director, employee, agent, or other participant

in the management or conduct of the affairs of a licensee to engage in any act or practice, or to omit any act, in breach of his fiduciary duty as such officer, director, employee, agent, or participant, if, as a result thereof, the licensee has suffered or is in imminent danger of suffering financial loss or other damage.

(c) DISQUALIFICATION.—Except with the written consent of the Secretary, it shall be a violation of this subtitle for any person to take office, or to continue to serve, as an officer, director, or employee of a licensee, or to become or continue to serve as an agent or participant in the conduct of the affairs or management of a licensee, if such person—

(1) has been convicted of a felony, or any other criminal offense involving dishonesty or breach of trust; or

(2) has been found civilly liable in damages, or has been permanently or temporarily enjoined by an order, judgment, or decree of a court of competent jurisdiction, by reason of any act or practice involving fraud or breach of trust.

SEC. 360. CIVIL PENALTIES.

Any person who is found by the Secretary, after notice and opportunity to be heard on the record in accordance with section 554 of title 5, United States Code, to have committed a violation of this subtitle or any rule, regulation, or order issued under this subtitle shall be liable to the United States for a civil penalty of not more than $1,000 for each violation. Each day of a continuing violation shall constitute a separate violation. The amount of such civil penalty shall be assessed by the Secretary by written notice. The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section.

SEC. 361. ANTITRUST SAVINGS CLAUSE.

This subtitle shall not be construed to modify, impair, or supersede the operation of the antitrust laws. For purposes of this section, the term ''antitrust laws'' has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes the Act of June 19, 1936 (49 Stat. 1526; 15 U.S.C. 13 et seq.), commonly known as the Robinson Patman Act, and section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 applies to unfair methods of competition.

TITLE IV—MISCELLANEOUS

SEC. 401. DEPARTMENT OF COMMERCE TECHNOLOGY ADVISORY BOARD.

(a) ESTABLISHMENT.—There is established a Department of Commerce Technology Advisory Board (in this section referred to as the ''Advisory Board'') to assist the Technology Administration in the performance of its functions.

(b) COMPOSITION.—The Advisory Board shall be composed of at least 17 members, appointed by the Under Secretary from among individuals who, because of their experience and accomplishments are exceptionally qualified to provide advice to the Under Secretary on the plans, programs, and policy of the Technology Administration. The Under Secretary shall make an effort to ensure the appointment of socially and economically disadvantaged individuals (within the meaning of section 8(a) (5) and (6) of the Small Business Act, and including women) to the Advisory Board. The Under Secretary shall designate 1 member to chair the Advisory Board. Membership of the Advisory Board shall include representatives of—

(1) United States small businesses;

(2) other United States manufacturers;

(3) research universities and independent research institutes;

(4) State and local government agencies involved in technology extension;

(5) national laboratories;

(6) industrial, worker, and professional organizations;

(7) financial organizations; and

(8) computing and communications equipment and services providers.

(c) DUTIES.—The duties of the Advisory Board shall include advising the Secretary, the Under Secretary, and the Director regarding—

(1) the development of policies and options for implementation that the Advisory Board considers essential to technology creation, development, and adoption, including policies that would benefit small businesses;

(2) the development and rapid application of critical and other advanced technologies, including advanced manufacturing technologies;

(3) the development of computer and communications support services for advanced manufacturing; and

(4) the planning, execution, and evaluation of programs under the authority of the Technology Administration.

(d) MEETINGS.—(1) The chairman shall call the first meeting of the Advisory Board not later than 90 days after the date of enactment of this Act.

(2) The Advisory Board shall meet at least once every 6 months, and at the call of the Under Secretary.

(e) TRAVEL EXPENSES.—Members of the Advisory Board, other than full-time employees of the United States, shall be allowed travel expenses in accordance with subchapter I of chapter 57 of title 5, United States Code, while engaged in the business of the Advisory Board.

(f) CONSULTATION.—In carrying out this section, the Under Secretary shall consult with other agencies, as appropriate.

(g) TERMINATION.—Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Board.

(h) SECRETARIAL DISCRETION.—Notwithstanding any other provision of this section, the Secretary shall have the discretion to decide whether to establish the Advisory Board or create a more cost-effective way to achieve the goal of closer cooperation with industry. If the Secretary exercises such discretion and establishes an alternative mechanism, the Under Secretary shall make an effort to ensure the participation of socially and economically disadvantaged individuals (within the meaning of section 8(a)(5) and (6) of the Small Business Act, and including women) in the alternative mechanism.

SEC. 402. INTERNATIONAL STANDARDIZATION.

(a) FINDINGS.—The Congress finds that—

(1) private sector consensus standards are essential to the timely development of competitive products;

(2) Federal Government contribution of resources and more active participation in the voluntary standards process in the United States can increase the quality of United States standards, increase their compatibility with the standards of other countries, and ease access of products manufactured by United States manufacturers to foreign markets; and

(3) the Federal Government, working in cooperation with private sector organizations including trade associations, engineering societies, and technical bodies, can effectively promote United States Government use of United States consensus standards and, where appropriate, the adoption and United States Government use of international standards.

(b) STANDARD PILOT PROGRAM.—Section 104(e) of the American Technology Preeminence Act of 1991 is amended—

(1) by inserting ''(1)'' before ''Pursuant to the'';

(2) by striking ''matching funds'' and inserting in lieu thereof ''financial contributions deemed appropriate by the Secretary''; and

(3) by adding at the end the following new paragraph:

''(2) As necessary and appropriate, the Institute shall expand the program established under section 112 of the National Institute of Standards and Technology Authorization Act for Fiscal Year 1989 (15 U.S.C. 272 note) by extending the existing program to include other countries that request assistance with standards-related activities from official representatives of the United States Government. The Institute may enter into additional contracts with non-Federal organizations representing United States companies, as such term is defined in section 28(d)(9)(B) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(d)(9)(B)) or with United States-based professional societies who participate in the development of standards. Such contracts shall require cost sharing between Federal and non-Federal sources for such purposes. In awarding such contracts, the Institute shall seek to promote and support the dissemination of United States technical standards to additional foreign countries and shall seek, as the Director deems appropriate, to promote the adoption of international standards supported by United States industry, and shall seek to assist private sector professional societies which participate in the development of standards in expediting the development of domestic standards which enable the introduction of technologies, products, or technology-based services which are being delayed due to the lack of available standards. The Institute and such contractors shall, in carrying out the preceding sentence, cooperate with governmental bodies, private organizations including standards setting organizations and industry, and multinational institutions that promote economic development. The organizations receiving such contracts may establish training programs to bring to the United States foreign standards experts for the purpose of receiving in-depth training in the United States standards system.''.

(c) REPORT ON STANDARDS.—(1) Section 508(a) of the American Technology Preeminence Act of 1991 (15 U.S.C. 3701 note) is amended—

(A) by inserting ''standards development and international'' after ''a thorough review of international'';

(B) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

(C) by inserting before paragraph (2), as so redesignated by subparagraph (B) of this paragraph, the following new paragraph:

''(1) Current and potential future roles of the Federal Government in the development and promulgation of domestic and global product and process standards.''.

(2) The Secretary, in consultation with the Institute and the Department of Commerce Technology Advisory Board established under section 401 of this Act and with, as appropriate, the active participation of the private sector, shall submit to the Congress a report describing the appropriate roles of the Department of Commerce in aid to United States companies in achieving conformity assessment and accreditation and otherwise qualifying their products in foreign markets, through the development and promulgation of domestic and global product and quality standards, and through the implementation of conformity assessment and accreditation procedures based upon such standards, including a discussion of the extent to which each of the policy options provided in the March 1992 Office of Technology Assessment report, entitled ''Global Standards'', contributes to meeting the goals of—

(A) increasing the international adoption of standards beneficial to United States industries; and

(B) improving the coordination of United States representation to international standards setting bodies.

(3) The report shall also describe emerging product and market areas which can be assisted by shortening the time required for the development of standards and make recommendations on contributions the Department of Commerce can make to improving the timeliness of standards development.

SEC. 403. MALCOLM BALDRIGE AWARD AMENDMENTS.

(a) Section 108(c)(3) of the Stevenson-Wydler Technology Innovation Act of 1980, as so redesignated by section 206(b)(3) of this Act, is amended to read as follows:

''(3) No award shall be made within any category or subcategory if there are no qualifying enterprises in that category or subcategory.''.

(b)(1) Section 108(c)(1) of the Stevenson-Wydler Technology Innovation Act of 1980, as so redesignated by section 206(b)(3) of this Act, is amended by adding at the end the following new subparagraph:

''(D) Educational institutions.''.

(2)(A) Within 1 year after the date of enactment of this Act, the Secretary shall submit to the Congress a report containing—

(i) criteria for qualification for a Malcolm Baldrige National Quality Award by various classes of educational institutions;

(ii) criteria for the evaluation of applications for such awards under section 108(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980, as so redesignated by section 206(b)(3) of this Act; and

(iii) a plan for funding awards described in clause (i).

(B) In preparing the report required under subparagraph (A), the Secretary shall consult with the National Science Foundation and other public and private entities with appropriate expertise, and shall provide for public notice and comment.

(C) The Secretary shall not accept applications for awards described in subparagraph (A)(i) until after the report required under subparagraph (A) is submitted to the Congress.

SEC. 404. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

Section 202 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a), as redesignated by section 206(b)(5) of this Act, is amended—

(1) in subsection (d)(1), by inserting ''(including both real and personal property)'' after ''or other resources'' both places it appears; and

(2) in subsection (d)(2)(A), by inserting ''including Federal test and evaluation facilities,'' after ''by a Federal agency,''.

SEC. 405. COMPETITIVENESS ASSESSMENTS AND EVALUATIONS.

Section 101(e) of the Stevenson-Wydler Technology Innovation Act of 1980, as so redesignated by section 206(b)(2) of this Act, is amended to read as follows:

''(e) COMPETITIVENESS ASSESSMENTS AND EVALUATIONS.—(1) The Secretary, through the Under Secretary, shall—

''(A) provide for the conduct of research and analyses to advance knowledge of the ways in which the economic competitiveness of United States companies can be enhanced through Federal programs established under the National Competitiveness Act of 1993 or the amendments made by that Act; and

''(B) as appropriate, provide for evaluations of Federal technology programs established or expanded under the National Competitiveness Act of 1993 or the amendments made by that Act in order to judge their effectiveness and make recommendations to improve their contribution to United States competitiveness.

''(2) All executive departments and agencies shall assist the Secretary in carrying out this section as appropriate.

''(3) Nothing in this section shall authorize the release of information to, or the use of information by, the Secretary or Under Secretary in a manner inconsistent with law or any procedure established pursuant thereto.

''(4) The head of any Federal agency may detail such personnel and may provide such services, with or without reimbursement, as the Secretary may request to assist in carrying out the activities required under this section.''.

SEC. 406. STUDY OF SEMICONDUCTOR LITHOGRAPHY TECHNOLOGIES.

Within 9 months after the date of enactment of this Act, the Critical Technologies Institute (in this section referred to as the ''Institute'') established under section 822 of the National Defense Authorization Act for Fiscal Year 1991 shall, after consultation with the private sector and appropriate officials from other Federal agencies, submit to Congress a report on advanced lithography technologies for the production of semiconductor devices. The report shall include the Institute's evaluation of the likely technical and economic advantages and disadvantages of each such technology, an analysis of current private and Government research to develop each such technology, and any recommendations the Institute may have regarding future Federal support for research and development in advanced lithography.

SEC. 407. AMERICAN WORKFORCE QUALITY PARTNERSHIPS.

(a) AMENDMENT.—Title III of the Stevenson-Wydler Technology Innovation Act of 1980, as added by title II of this Act, is further amended by adding at the end the following new section:

''SEC. 305. AMERICAN WORKFORCE QUALITY PARTNERSHIPS.

''(a) PROGRAM AUTHORIZED.—The Secretary may make grants to establish and operate American workforce quality partnership programs in accordance with the provisions of this section. The Secretary shall award grants on a competitive basis to pay the Federal share for American workforce quality partnership programs to establish workforce training consortia between industry and institutions of higher education.

''(b) GRANT PERIOD.—Grants awarded under this section may be for a period of 5 years.

''(c) GENERAL AUTHORITY.—Each grant recipient shall use amounts provided under the grant to develop and operate an American workforce quality partnership program.

''(d) CONTENTS OF PROGRAM.—An American workforce quality partnership program shall establish partnerships among—

''(1) one or more United States manufacturers;

''(2) an organization or organizations representing the nonmanagerial employees of the manufacturers described in paragraph (1); and

''(3) a local community technical college or other appropriate institutions of higher education, a vocational training institution, a Regional Center for the Transfer of Manufacturing Technology, a Manufacturing Outreach Center, or any similar entity or consortium of such institutions,

to train the employees of the industrial partners through both workplace-based and classroom-based programs of training.

''(e) FEDERAL SHARE.—The Federal share of the cost of an American workforce quality partnership program may not exceed 50 percent of the total cost of the program. The non-Federal share of such costs may be provided in-cash or in-kind, fairly valued. The total contribution of the proposed partnership should reflect a substantial contribution on the part of the industrial partners and appropriate contributions of the education partners, local or State governments, and other appropriate entities.

''(f) APPLICATIONS.—

''(1) ELIGIBILITY.—Any consortium described in subsection (d) may apply for a grant under this section at such time and in such manner as the Secretary shall prescribe.

''(2) PLAN.—Each application submitted under this subsection shall contain a plan for the development and implementation of an American workforce quality partnership program under this section. Such plan shall—

''(A) show a demonstrated commitment, on the part of the industrial partners, to adopt total quality management strategies or other plausible strategies to renew its competitive edge;

''(B) demonstrate the need for Federal resources because of the long-term nature and risk of such an investment, the inability to finance such ventures because of the high cost of capitalization, intense competition from foreign industries, or such other appropriate reasons as may limit the industrial partners' ability to launch programs where worker training and development is a substantial component;

''(C) demonstrate long-term benefit for all partners and the local economy, through an enhanced competitive position of the industrial partners, substantial benefits for regional employment, and the ability of the education and labor participants to further their capabilities to educate and train other nonpartnership-affiliated individuals wishing to obtain or upgrade technical, technological, industrial management and leadership, or other industrial skills;

''(D) make full, appropriate, and innovative use of industrial and higher education resources and other local resources such as facilities, equipment, personnel exchanges, experts, or consultants;

''(E) provide for the establishment of an advisory board in accordance with subsection (h);

''(F) include an explanation of the industrial partners' plans to adopt new competitive strategies and how the training partnership aids that effort; and

''(G) include assurances that the eligible entity will maintain its aggregate expenditures from all sources for employee training, other than those provided under this section, at or above the average level of such expenditures in the 2 fiscal years preceding submission of an application for assistance under this section.

''(3) APPROVAL.—

''(A) IN GENERAL.—The Secretary shall approve applications based on their potential to create an effective American workforce quality partnership program in accordance with this section.

''(B) CRITERIA.—In reviewing grant applications, the Secretary shall give significant consideration to the following criteria:

''(i) Saliency of argument for requiring a Federal investment.

''(ii) Commitment of partnership to continue operation after the termination of Federal funding.

''(iii) The likelihood that the training will improve the long-term competitiveness of the industrial partners and contribute significantly to economic growth.

''(iv) The likelihood that the partnership will benefit the education mission of the education partners in ways outside of the scope of the partnership, such as developing the capability to train other nonpartnership-affiliated individuals in similar skills.

''(C) PRIORITY CONSIDERATION.—The Secretary shall give priority consideration to

industries which are threatened by intense foreign competition important to the long-term national economic or military security of the United States and industries which are critical in enabling other United States industries to maintain a healthy competitive position. In addition, the Secretary shall give priority to applicants in areas of high poverty and unemployment.

''(g) USE OF FUNDS.—

''(1) APPROVED USES.—Federal funds may be used for—

''(A) the direct costs of workplace-based and classroom-based training in advanced technical, technological, and industrial management, skills, and training for the implementation of total quality management and technology management strategies, or other competitiveness strategies, contained in the applicant's plan submitted under subsection (f)(2)(F);

''(B) the purchase or lease of equipment or other materials for the purpose of instruction to aid in training;

''(C) the development of in-house curricula or coursework or other training-related programs, including the training of teachers and other eligible participants to utilize such curricula or coursework; and

''(D) reasonable administrative expenses and other indirect costs of operating the partnership which may not exceed 10 percent of the total cost of the program.

''(2) LIMITATIONS.—Federal funds may not be used for nontraining related costs of adopting new competitive strategies including the replacement of manufacturing equipment, product redesign and manufacturing facility construction costs, or salary compensation of the partners' employees. Grants shall not be made under this section for programs that will impair any existing program, contract, or agreement without the written concurrence of the parties to such program, contract, or agreement.

''(h) ADVISORY BOARD.—

''(1) Each partnership shall establish an advisory board which shall include representation from each of the following categories:

''(A) Multiple organizational levels of the industrial partners, that shall include managerial employees.

''(B) The education partners.

''(C) Organizations representing nonmanagerial employees.

''(2) The advisory board shall—

''(A) advise the partnership on the general direction and policy of the partnership including training, instruction, and other related issues;

''(B) report to the Secretary after the second and fourth year of the program, on the progress and status of the partnership, including its strengths, weaknesses, and new directions, the number of individuals served, types of services provided, and an outline of how the program can be integrated into the existing training infrastructure in place in other Federal agencies and departments; and

''(C) assist in the revision of the plans (submitted with the application under subsection (f)(2)(F)) and include revised plans as necessary in the reports required under subparagraph (B).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1994.

SEC. 408. SEVERABILITY.

If any provision of this Act or the amendments made by this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act and the amendments made by this Act, and the application thereof to other persons or circumstances, shall not be affected thereby.

SEC. 409. SUNSET.

(a) REPORT TO CONGRESS.—Before April 1, 1995, the Secretary shall submit to the Congress a report that evaluates the success of the programs established by this Act, and the amendments made by this Act, in achieving the purposes of this Act.

(b) LIMITATION ON APPROPRIATIONS.—Notwithstanding any other provision of this Act, no funds are authorized to be appropriated for any fiscal year after fiscal year 1995 for carrying out the programs for which funds are authorized by this Act, or the amendments made by this Act.

SEC. 410. USE OF DOMESTIC PRODUCTS.

(a) PROHIBITION AGAINST FRAUDULENT USE OF ''MADE IN AMERICA'' LABELS.—(1) A person shall not intentionally affix a label bearing the inscription of ''Made in America'', or any inscription with that meaning, to any product sold in or shipped to the United States, if that product is not a domestic product.

(2) A person who violates paragraph (1) shall not be eligible for any contract for a procurement carried out with amounts authorized under this Act, or under any amendment made by this Act, including any subcontract under such a contract pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations, or any successor procedures thereto.

(b) COMPLIANCE WITH BUY AMERICAN ACT.—(1) Except as provided in paragraph (2), the head of each agency which conducts procurements shall ensure that such procurements are conducted in compliance with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a through 10c, popularly known as the ''Buy American Act'').

(2) This subsection shall apply only to procurements made for which—

(A) amounts are authorized by this Act, or by any amendment made by this Act, to be made available; and

(B) solicitations for bids are issued after the date of enactment of this Act.

(3) The Secretary, before January 1, 1995, shall report to the Congress on procurements covered under this subsection of products that are not domestic products.

(c) PURCHASE OF AMERICAN MADE EQUIPMENT AND PRODUCTS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that any recipient of a grant under this Act, or under any amendment made by this Act, should purchase only American made equipment and products when expending grant monies.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In allocating grants under this Act, or under any amendment made by this Act, the Secretary shall provide to each recipient a notice describing the statement made in paragraph (1) by the Congress.

(d) DEFINITIONS.—For the purposes of this section, the term ''domestic product'' means a product—

(1) that is manufactured or produced in the United States; and

(2) at least 50 percent of the cost of the articles, materials, or supplies of which are mined, produced, or manufactured in the United States.

SEC. 411. NATIONAL QUALITY PROGRAM.

(a) ESTABLISHMENT.—There is established, under the supervision of the Director, a National Quality Program (in this section referred to as the ''Program''). The purpose of the Program shall be to enhance the Malcolm Baldrige National Quality Award, to disseminate information, and to promote and take part in educational and research activities regarding ways in which United States companies and organizations can improve their quality management practices and productivity.

(b) ACTIVITIES.—As part of the Program, the Director is authorized—

(1) to develop industry-led workshops, seminars, and other mechanisms to disseminate broadly to United States companies and organizations the best practices available in total quality management, including the practices and quality improvement strategies successfully employed by those firms that have won the Malcolm Baldrige National Quality Award, as well as best practices in lean production methods, market-driven product improvement, and customer-supplier relations;

(2) to work with industry leaders and others to develop both measures of quality and recommendations concerning what skills employees should have in order to participate effectively in company quality programs; and

(3) to explore, with private industry, other Federal agencies, and State and local government, innovative ways in which 2-year colleges and other educational institutions can teach quality assurance techniques and related background skills to industrial workers in both manufacturing and services.

SEC. 412. DEFINITIONS.

Title III of the Stevenson-Wydler Technology Innovation Act of 1980, as added by title II and section 407 of this Act, is further amended by adding at the end the following new section:

''SEC. 306. DEFINITIONS.

''For purposes of this title and title IV—

''(1) the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States; and

''(2) the term 'United States' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.''.

SEC. 413. FASTENER QUALITY ACT AMENDMENTS.

(a) REFERENCES.—Whenever in this section an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Fastener Quality Act (15 U.S.C. 5401 et seq.).

(b) TECHNICAL AMENDMENTS.—

(1) DEFINITIONS.—Section 3 (15 U.S.C. 5402) is amended—

(A) in paragraph (8), by striking ''Standard'' and inserting in lieu thereof ''Standards''; and

(B) in paragraph (14), by striking ''which defines or describes'' and all that follows through ''of any fastener''.

(2) INSPECTION AND TESTING.—Section 5(b)(1) (15 U.S.C. 5404(b)(1)) is amended by striking ''section 6; unless'' and inserting in lieu thereof ''section 6, unless''.

(3) IMPORTERS AND PRIVATE LABEL DISTRIBUTORS.—Section 7(c)(2) (15 U.S.C. 5406(c)(2)) is amended by inserting ''to the same'' before ''extent''.

(c) CLARIFYING AMENDMENTS.—

(1) CHEMICAL TESTS.—(A) Section 5(a)(1)(B) (15 U.S.C. 5404(a)(1)(B)) is amended by striking ''subsections (b) and (c)'' and inserting in lieu thereof ''subsections (b), (c), and (d)''.

(B) Section 5(a)(2)(A)(i) (15 U.S.C. 5404(a)(2)(A)(i)) is amended by striking ''subsections (b) and (c)'' and inserting in lieu thereof ''subsections (b), (c), and (d)''.

(C) Section 5(c)(4) (15 U.S.C. 5404(c)(4)) is amended by inserting ''except as provided in subsection (d),'' before ''state''.

(D) Section 5 (15 U.S.C. 5404) is amended by inserting at the end the following new subsection:

''(d) ALTERNATIVE PROCEDURE FOR CHEMICAL CHARACTERISTICS.—Notwithstanding the requirements of subsections (b) and (c), a manufacturer shall be deemed to have dem-

onstrated, for purposes of subsection (a)(1), that the chemical characteristics of a lot conform to the standards and specifications to which the manufacturer represents such lot has been manufactured if the following requirements are met:

''(1) The coil or heat number of metal from which such lot was fabricated has been inspected and tested with respect to its chemical characteristics by a laboratory accredited in accordance with the procedures and conditions specified by the Secretary under section 6.

''(2) Such laboratory has provided to the manufacturer, either directly or through the metal manufacturer, a written inspection and testing report, which shall be in a form prescribed by the Secretary by regulation, listing the chemical characteristics of such coil or heat number.

''(3) The report described in paragraph (2) indicates that the chemical characteristics of such coil or heat number conform to those required by the standards and specifications to which the manufacturer represents such lot has been manufactured.

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

In prescribing the form of report required by subsection (c), the Secretary shall provide for an alternative to the statement required by subsection (c)(4), insofar as such statement pertains to chemical characteristics, for cases in which a manufacturer elects to use the procedure permitted by this subsection.''.

TITLE V—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 501. TECHNOLOGY ADMINISTRATION.

There are authorized to be appropriated to the Secretary, to carry out the activities of the Under Secretary and the Assistant Secretary of Commerce for Technology Policy, in addition to any other amounts authorized for such purposes, for the Office of the Under Secretary—

(1) $5,425,000 for fiscal year 1994; and

(2) $10,000,000 for fiscal year 1995, of which $2,000,000 are authorized for competitiveness assessments and evaluations under section 101(e) of the Stevenson-Wydler Technology Innovation Act of 1980, as so redesignated by section 206(b)(2) of this Act.

SEC. 502. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

(a) INTRAMURAL SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES.—(1) There are authorized to be appropriated to the Secretary, to carry out the intramural scientific and technical research and services activities of the Institute, $242,988,000 for fiscal year 1994 and $300,000,000 for fiscal year 1995.

(2) Of the amounts authorized under paragraph (1)—

(A) $1,000,000 for fiscal year 1994 and $1,000,000 for fiscal year 1995 are authorized only for the evaluation of nonenergy-related inventions;

(B) $9,000,000 for fiscal year 1994 and $10,000,000 for fiscal year 1995 are authorized only for the technical competence fund; and

(C) $2,000,000 for fiscal year 1994 and $3,000,000 for fiscal year 1995 are authorized only for the standards pilot project established under section 104(e) of the American Technology Preeminence Act of 1991.

(b) TRANSFERS.—(1) Funds may be transferred among the line items listed in subsection (a), so long as—

(A) the net funds transferred to or from any line item do not exceed 10 percent of the amount authorized for that line item in such subsection;

(B) the aggregate amount authorized under subsection (a) is not changed; and

(C) the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives are notified in advance of any such transfer.

(2) The Secretary may propose transfers to or from any line item listed in subsection (a) exceeding 10 percent of the amount authorized for such line item, but such proposed transfer may not be made unless—

(A) a full and complete explanation of any such proposed transfer and the reason therefor are transmitted in writing to the Speaker of the House of Representatives, the President of the Senate, and the appropriate authorizing Committees of the House of Representatives and the Senate; and

(B) 30 days have passed following the transmission of such written explanation.

(c) FACILITIES CONSTRUCTION.—There are authorized to be appropriated to the Secretary, to carry out construction and modernization of Institute facilities, $61,686,000 for fiscal year 1994 and $106,000,000 for fiscal year 1995.

SEC. 503. ADDITIONAL ACTIVITIES OF THE TECHNOLOGY ADMINISTRATION.

(a) FISCAL YEAR 1994.—In addition to the amounts authorized under sections 501 and 502, there are authorized to be appropriated to the Secretary for fiscal year 1994—

(1) for Regional Centers for the Transfer of Manufacturing Technology, for the National Technology Outreach Program established under section 303 of the Stevenson-Wydler Technology Innovation Act of 1980, and for the National Quality Program established under section 410 of this Act, $30,035,000;

(2) for the State Technology Extension Program, $3,000,000;

(3) for the Advanced Technology Program $193,489,000, of which $20,000,000 is authorized for the Advanced Manufacturing Technology Development Program established under section 304 of the Stevenson-Wydler Technology Innovation Act of 1980;

(4) for the Civilian Technology Loan Program established under subtitle C of title III of this Act, $1,000,000;

(5) for the Civilian Technologies Development Program established under subtitle D of title III of this Act, $1,000,000; and

(6) for carrying out the Benchmarking Program established under title IV of the Stevenson-Wydler Technology Innovation Act of 1980, $2,000,000.

(b) FISCAL YEAR 1995.—In addition to the amounts authorized under subsection (a), there are authorized to be appropriated to the Secretary for fiscal year 1995, to carry out the other activities of the Technology Administration, including the extramural industrial technology services activities of the Institute and the Advanced Technology Program, $534,000,000, of which—

(1) not more than $150,000,000 shall be for the Regional Centers for the Transfer of Manufacturing Technology and the National Technology Outreach Program established under section 303 of the Stevenson-Wydler Technology Innovation Act of 1980;

(2) not more than $3,000,000 shall be for the National Quality Program established under section 410 of this Act;

(3) not more than $3,000,000 shall be for the State Technology Extension Program;

(4) not more than $50,000,000 shall be for the Advanced Manufacturing Technology Development Program established under section 304 of the Stevenson-Wydler Technology Innovation Act of 1980;

(5) not more than $20,000,000 shall be for the Civilian Technology Loan Program established under subtitle C of title III of this Act;

(6) not more than $50,000,000 shall be for the Civilian Technologies Development Program established under subtitle D of title III of this Act;

(7) not more than $10,000,000 shall be for carrying out the Benchmarking Program established under title IV of the Stevenson-Wydler Technology Innovation Act of 1980; and

(8) not more than $50,000,000 shall be for carrying out the American workforce quality partnership program established under section 305 of the Stevenson-Wydler Technology Innovation Act of 1980.

(c) ADMINISTRATIVE EXPENSES; AUDITS.—Of the amounts made available under subsection (a)(4), not more than $2,000,000 or 10 percent, whichever is greater, shall be available for administrative expenses. Of the amounts made available under subsection (b)(5), not more than $5,000,000 or 10 percent, whichever is greater, shall be available for administrative expenses. The Secretary shall ensure that audits are performed by independent auditors on the programs for which funds are appropriated pursuant to this section. The summary results of such audits shall be submitted to the Congress by the end of each of the fiscal years 1994 and 1995, and not more than $2,000,000, or 2 percent of the aggregate amount made available under such section and subsection, whichever is greater, shall be used in each such fiscal year for performing the audits.

SEC. 504. NATIONAL SCIENCE FOUNDATION.

In addition to such other sums as may be authorized by other Acts to be appropriated to the Director of the National Science Foundation, there are authorized to be appropriated to that Director—

(1) for carrying out section 212 of this Act, $20,000,000 for fiscal year 1995; and

(2) for carrying out section 213 of this Act, $30,000,000 for fiscal year 1995.

SEC. 505. AVAILABILITY OF APPROPRIATIONS.

Except as otherwise provided in this title, appropriations made under the authority provided in this title shall remain available for obligation until expended.

SEC. 506. PROHIBITIONS.

None of the funds made available in this Act may be used to provide any direct Federal financial benefit to any person who is not (1) a citizen or national of the United States; (2) an alien lawfully admitted for permanent residence; or (3) an alien granted legal status as a parolee, asylee, or refugee.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. WALKER moved to recommit the bill to the Committee on Science, Space, and Technology.

By unanimous consent, the previous question was ordered on the motion to recommit.

The question being put, viva voce,

Will the House recommit said bill?

The SPEAKER pro tempore, Mr. MCNULTY, announced that the nays had it.

So the motion to recommit was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. MCNULTY, announced that the yeas had it.

Mr. WALKER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 243; Nays ..... 167; Answered present 7

¶58.23 [Roll No. 173]

YEAS—243

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Barcia
Barlow
Barrett (WI)
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Green
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hilliard
Hinchey
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Skelton
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Valentine
Vento
Visclosky
Volkmer
Washington
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—167

Allard
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Gutierrez
Hancock
Hansen
Hastert
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Manzullo
Martinez
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Murphy
Myers
Nussle
Oxley
Pastor
Paxon
Penny
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Ramstad
Ravenel
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Slattery
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED ''PRESENT''—7

Becerra
Brown (FL)
Roybal-Allard
Slaughter
Unsoeld
Velazquez
Waters

NOT VOTING—15

Applegate
Bentley
Brewster
de la Garza
English (OK)
Gekas
Gibbons
Hefner
Henry
Johnson (SD)
Leach
Nadler
Packard
Smith (NJ)
Synar

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶58.24 WORLD WAR II ANNIVERSARY

On motion of Mr. SAWYER, by unanimous consent, the Committee on Post Office and Civil Service was discharged from further consideration of the joint resolution (H.J. Res. 80) designating June 1, 1993, through June 7, 1993, as a ''Week for the National Observance of the Fiftieth Anniversary of World War II''.

Mr. SAWYER submitted the following amendments which were agreed to:

Page 2, line 3, strike ''June 1'' and insert ''May 30''.

Page 2, line 4, strike ''Week'' and insert ''Time''.

Page 2, line 7, strike ''the time'' and insert ''that period''.

When said joint resolution, as amended, was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

By unanimous consent the title was amended so as to read: ''Joint resolution designating May 30, 1993, through June 7, 1993, as 'Time for the National Observance of the Fiftieth Anniversary of World War II'.''.

A motion to reconsider the votes whereby said joint resolution, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶58.25 SUBPOENA

The SPEAKER pro tempore, Mr. MCNULTY, laid before the House a communication, which was read as follows:

OFFICE OF THE DIRECTOR, NON-LEGISLATIVE AND FINANCIAL SERVICES,

Washington, DC, May 17, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L(50) of the Rules of the House that the Office of the Postmaster has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

LEONARD P. WISHART III,
Director.

¶58.26 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mrs. BENTLEY, for today from 4 p.m.

And then,

¶58.27 ADJOURNMENT

On motion of Mr. DORNAN, at 11 o'clock and 29 minutes p.m., the House adjourned.

¶58.28 OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 State.22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the follow-