

¶47.6 MESSAGE FROM THE PRESIDENT—
FEDERAL COUNCIL ON AGING

The SPEAKER pro tempore, Mrs. SCHROEDER, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

In accordance with section 204(f) of the Older Americans Act of 1965, as amended (42 U.S.C. 3015(f)), I hereby transmit the Annual Report for 1993 of the Federal Council on the Aging. The report reflects the Council's views in its role of examining programs serving older Americans.

WILLIAM J. CLINTON.

THE WHITE HOUSE, May 11, 1994.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Education and Labor.

¶47.7 ECONOMIC DEVELOPMENT
AUTHORIZATION

The SPEAKER pro tempore, Mrs. SCHROEDER, pursuant to House Resolution 420 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2442) to reauthorize appropriations under the Public Works and Economic Development Act of 1965, as amended, to revise administrative provisions of the Act to improve the authority of the Secretary of Commerce to administer grant programs, and for other purposes.

The SPEAKER pro tempore, Mrs. SCHROEDER, by unanimous consent, designated Mr. TORRES as Chairman of the Committee of the Whole; and after some time spent therein,

¶47.8 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. KANJORSKI:

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

**TITLE III—BUSINESS DEVELOPMENT
ASSISTANCE**

SEC. 301. SHORT TITLE.

This title may be cited as the "Economic Growth and Technology Commercialization Act of 1994".

SEC. 302. FINDINGS, PURPOSES, AND DEFINITIONS.

(a) FINDINGS.—The Congress hereby finds the following:

(1) Through its support and funding of research and development in this Nation's Federal agencies, laboratories, and educational institutions, the Federal Government has fostered the creation of thousands of technologies, processes, and other proprietary rights owned, or held in whole or part, by the Federal Government.

(2) If commercialized, these technologies, processes, and other proprietary rights owned, or held in whole or part, by the Federal Government hold the potential to be a significant tool to foster economic growth and to create significant numbers of new jobs at good wages for American workers.

(3) Throughout the Federal Government, there is no single inventory or source of information on technologies, processes, and other proprietary rights owned, or held in whole or part, by the Federal Government.

(4) Information on technologies, processes, and other proprietary rights owned, or held in whole or part, by the Federal Government is not standardized in form or content, is separately maintained by numerous Federal agencies and departments, and is not easily accessible by the public.

(5) Businesses and entrepreneurs in areas in need of economic growth and revitalization are largely unaware of the existence of these technologies, processes, and other proprietary rights and largely unaware of the possibilities for obtaining the rights to these technologies, processes, and other proprietary rights for the purpose of commercialization.

(6) It is in the economic interest of the United States to facilitate the private sector commercialization of technologies, processes, and other proprietary rights by United States businesses located in areas in need of economic growth and revitalization.

(7) Greater effectiveness may be achieved through the utilization of the private sector corporate structure and profit incentives in facilitating the commercialization of technologies, processes, and other proprietary rights than can reasonably be expected by the Federal Government performing this function.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To provide assistance to private-sector United States businesses, located in areas in need of economic stabilization and revitalization, to commercialize technologies, processes, and other proprietary rights owned, or held in whole or part, by the Federal Government.

(2) To create new employment opportunities by facilitating the commercialization of technologies, processes, and other proprietary rights by United States businesses and entrepreneurs in areas in need of economic growth and revitalization.

(3) To develop a single, comprehensive data base of information on technologies, processes, and other proprietary rights owned, or held in whole or part, by the Federal Government, which is standardized and easily accessible.

(4) To heighten the awareness of United States businesses and entrepreneurs of the availability for commercialization of technologies, processes, and other proprietary rights owned, or held in whole or part, by the Federal Government.

(c) DEFINITIONS.—For purposes of this title, the following definitions shall apply:

(1) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(2) CORPORATION.—The term "Corporation" means the Business Development and Technology Commercialization Corporation established under this title.

(3) BOARD.—The term "Board" means the Board of Directors of the Business Development and Technology Commercialization Corporation.

(4) QUALIFIED CONCERN.—The term "qualified concern" means a United States-based consortium, a private United States business, or an educational institution participating in a joint project with 1 or more private United States businesses, for the development and commercialization of technologies, processes, and other proprietary rights—

(A) owned or held in whole or part by Federal departments, agencies, or government-controlled corporations;

(B) developed in Federal laboratories;

(C) arising in the course of federally funded research at educational institutions, other units of government, or with private concerns; or

(D) which are made available to the Federal Government by private concerns.

SEC. 303. CONSOLIDATION OF INFORMATION ON TECHNOLOGIES.

(a) ESTABLISHMENT OF DATA.—The Secretary shall establish and maintain an integrated, comprehensive data base describing all technologies, processes, and other proprietary rights owned, or held in whole or part, by the Federal Government, or which originated in the course of federally funded research in which the Federal Government has an interest.

(b) STANDARDIZATION AND ACCESSIBILITY OF INFORMATION.—The Secretary shall take such steps as are necessary to ensure that the information contained in the data base established under subsection (a) is in a standardized form, is accessible and usable in a manner as simple and easy to use as possible, recognizing the needs of small and medium-sized businesses.

(c) RESPONSIBILITIES.—In carrying out this section, the Secretary shall—

(1) consult with and, to the extent practicable, utilize the capabilities of other executive agencies, as appropriate, to ensure the efficient and effective implementation of this section; and

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

(d) OTHER FEDERAL AGENCIES.—Other executive agencies shall provide such information, and in such form, as determined by the Secretary and shall cooperate with the Secretary in carrying out this section.

(e) ACCESS TO THE DATA BASE.—

(1) ACCESS TO THE DATA BASE BY THE CORPORATION.—Except as provided in paragraph (3), the Secretary shall provide unlimited access to the data base established under this section to the Business Development and Technology Commercialization Corporation established under this part, without fee, to assist the Corporation in meeting its responsibilities under this part.

(2) ACCESS TO THE DATA BASE BY THE PUBLIC.—Except as provided in paragraph (3), the Secretary shall, by regulation, develop and implement procedures providing for access to the data base established under this section to members of the general public.

(3) RESTRICTIONS.—If, in consultation with the heads of other executive agencies, the Secretary determines that access by the Corporation or any other person to information contained in the data base established under this section would—

(A) threaten national security;

(B) violate the proprietary rights of any private interest; or

(C) be otherwise inappropriate, the Secretary shall take such steps as the Secretary may determine to be appropriate to limit access to the information in the data base described in subparagraph (A), (B), or (C) to the Corporation or any other person.

(f) GAO REVIEW OF CURRENT FEDERAL TECHNOLOGY UTILIZATION AND COMMERCIALIZATION EFFORTS.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a review of all technology utilization and commercialization activities within all Federal departments, agencies, and laboratories, or which are otherwise supported by Federal funds. This review shall identify those activities which may overlap or duplicate the technology utilization and commercialization activities provided for under this title.

(2) REPORTS.—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Comptroller General

shall issue a report to the Congress describing in detail—

(A) the findings of the review directed under paragraph (1),

(B) the funding levels of each existing Federal technology utilization and commercialization activities, and

(C) recommendations for the modification or elimination of any existing Federal technology utilization and commercialization activities which the Comptroller General finds to be duplicative of the activities provided for under this title.

SEC. 304. BUSINESS DEVELOPMENT AND TECHNOLOGY COMMERCIALIZATION CORPORATION.

(a) ASSESSMENT OF TECHNOLOGY UTILIZATION AND COMMERCIALIZATION PROGRAMS OF THE FEDERAL GOVERNMENT.—

(1) IN GENERAL.—The Director of the Office of Science and Technology Policy in the Executive Office of the President shall—

(A) assess the performance of technology utilization and commercialization programs of the Federal Government as of the date of the enactment of this Act;

(B) evaluate the advantages and disadvantages of a centralized as opposed to a decentralized approach to technology utilization and commercialization; and

(C) develop recommendations on ways to improve the technology utilization and commercialization efforts of the Federal Government.

(2) REPORT.—The Director of the Office of Science and Technology Policy shall submit a report containing the findings, conclusions, and recommendations of the Director pursuant to paragraph (1) to the President, the Committee on Banking, Finance and Urban Affairs and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(3) CONSULTATION.—In carrying out the duties of the Director under paragraph (1), the Director shall consult with interested agencies and department of the Federal Government.

(b) IMPROVED INTEGRATION OF TECHNOLOGY COMMERCIALIZATION PROGRAMS AND FEDERAL PROGRAMS TO ASSIST ECONOMICALLY DISTRESSED COMMUNITIES.—

(1) IN GENERAL.—The Secretary shall identify ways to promote more effective integration of Federal policies and programs relating to technology utilization and commercialization with Federal policies and programs for assisting economically distressed communities establish stable and diversified local economies.

(2) REPORT.—The Secretary shall submit a report containing any findings, conclusions, and recommendations of the Secretary pursuant to paragraph (1) to the President, the Committee on Banking, Finance and Urban Affairs and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(c) ESTABLISHMENT OF CORPORATION.—

(1) IN GENERAL.—Not later than the earlier of—

(A) the end of the 12-month period beginning on the date of the enactment of this Act; or

(B) the end of the 30-day period beginning on the date the report of the Director of the Office of Science and Technology Policy is submitted to the President pursuant to subsection (a)(2),

the President shall provide for the establishment of a corporation to be known as the "Business Development and Technology Commercialization Corporation" (hereafter in this title referred to as the "Corpora-

tion"), unless the President, after consideration of such report, makes a finding that the establishment of the Corporation would impair the operation of the Federal policies and programs relating to technology utilization and commercialization.

(2) REPORT TO CONGRESS.—If the President makes a finding described in paragraph (1) with respect to the establishment of the Corporation, the President shall transmit a report describing the basis for the finding to the Committee on Banking, Finance and Urban Affairs and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(3) PURPOSE.—The Corporation shall be operated for the purpose of fostering economic growth, assisting in the creation of new employment opportunities, and strengthening the industrial base of the United States by facilitating the utilization and commercialization of technologies, processes, and other proprietary rights—

(A) owned or held in whole or part by Federal departments, agencies, or government-controlled corporations;

(B) developed in Federal laboratories;

(C) arising in the course of federally funded research at educational institutions, other units of government, or with private concerns; and

(D) which are made available by private concerns.

(4) CORPORATION NOT AN ESTABLISHMENT OF THE UNITED STATES.—The Corporation shall not be an agency or establishment of the United States.

(d) PROCESS OF ORGANIZATION.—

(1) INCORPORATION.—

(A) IN GENERAL.—The Secretary, the Secretary of Labor, and the Administrator of the Small Business Administration shall—

(i) provide for the establishment of the Corporation under the business corporation laws of such State as the President determines to be appropriate; and

(ii) serve as the incorporators of the Corporation and as the initial members of the board of directors of the Corporation until their successors are elected and qualified.

(B) NECESSARY ACTION AUTHORIZED.—The incorporators referred to in subparagraph (A) shall take such other actions as may be necessary to establish the Corporation.

(C) REVIEW OF PROPOSED ORGANIZATION OF CORPORATION.—The President shall request the National Academy of Public Administration to—

(i) review the proposed organization of the Corporation to ensure that the organization plan conforms with sound principles of administration; and

(ii) submit a report to the President in a timely manner with the Academy's such findings, conclusions, and recommendations the Academy may determine to be appropriate.

(2) PRIVATIZATION OF THE CORPORATION.—

(A) IN GENERAL.—Following the establishment of the Corporation, the Corporation shall be converted to private ownership and management in such form and manner as the President determines to be appropriate, after consulting with the Committee on Banking, Finance and Urban Affairs and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(B) SOLICITATION OF PROPOSALS FOR CONVERSION.—The President shall solicit proposals for the conversion of the Corporation to private ownership and management.

(3) SELECTION CRITERIA AND PROCEDURES.—

(A) IN GENERAL.—The President, in consultation with the Secretary, shall make the final selection of a proposal for the conver-

sion of the Corporation to private ownership and management.

(B) CRITERIA FOR SELECTING A PROPOSAL TO RECOMMEND TO THE PRESIDENT.—In selecting a proposal to recommend to the President for the conversion of the Corporation, as described in subparagraph (A), the Secretary shall take into consideration the following factors—

(i) the quality of the operational plan;

(ii) the soundness of the financing of the organization and of the operational plan;

(iii) the qualifications of, and the diversity of talents and skills represented by, the submitters of the proposal, including the extent to which a combination of organizations is submitting a joint proposal;

(iv) whether a State government, or unit of a State government, is participating financially with the organization submitting a proposal;

(v) the intentions of the submitters of the proposal to locate the headquarters of the Corporation in an area which is not located in the 50 largest Metropolitan Statistical Areas, based on the 1990 Census; and

(vi) such other factors as the incorporators determine to be appropriate in meeting the purposes of this title.

(C) PROCEDURES FOR SELECTING A PROPOSAL TO RECOMMEND TO THE PRESIDENT.—In selecting a proposal to recommend to the President for the conversion of the Corporation, as described in subparagraph (A), the Secretary shall ensure that in the selection process—

(i) not less than 3 proposals are identified as proposals to receive further consideration, as provided in clauses (ii) and (iii), except that, if fewer than 3 proposals are received, each of them shall receive further consideration;

(ii) a review procedure is implemented under which the sponsors of the proposals identified in clause (i) are provided an opportunity to make personal presentations of their proposals to the Secretary or the Secretary's designee; and

(iii) individual negotiations for the revision of proposals identified in clause (i) may be entered into.

(4) WARRANTS FOR PARTICIPATION IN GAINS.—The President may, in connection with any contract or agreement for converting the Corporation to private ownership and contingent on the financial success of the Corporation, retain the right to participate in the financial gains of the Corporation in such amounts as the President may determine to be appropriate, after consulting with the Committee on Banking, Finance and Urban Affairs and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(e) PROHIBITION ON CONFLICTS OF INTEREST.—

(1) IN GENERAL.—An officer or employee of the Corporation may not participate in a matter regarding an application, claim, or other matter pending before the Corporation if, to such person's knowledge, the person, the person's spouse, minor child, parent, sibling, or partner, or an organization, other than the Corporation, in which the person is serving as an officer, director, trustee, partner, or employee, or any person with whom the person is negotiating or has any arrangement concerning perspective employment, has a financial interest in the matter.

(2) CONSEQUENCE OF VIOLATION.—An officer or employee who violates this subsection shall be subject to termination, but such a violation shall not impair, nullify, or otherwise affect the validity of any otherwise lawful action by the Corporation in which such officer or employee participated.

(f) GENERAL POWERS.—In addition to the usual powers conferred upon a corporation under the business corporation laws of the State in which the Corporation is incorporated, the Corporation shall have such other incidental powers not inconsistent with this section that are necessary or appropriate to carry out the purposes and functions of the Corporation.

(g) PROMOTION OF TECHNOLOGIES.—

(1) MARKETING OF TECHNOLOGIES.—The Corporation shall undertake an aggressive, multifaceted outreach program to increase awareness of the availability of technologies, processes, and other proprietary rights to qualified concerns under this title. This program shall emphasize the use of new information technologies, including the utilization of cable television and the modern electronic media, and the data base established under this title.

(2) UTILIZATION OF CABLE TELEVISION.—

(A) IN GENERAL.—In implementing the outreach program provided under paragraph (1), the Corporation shall enter into negotiations for the utilization of cable television for marketing efforts for the commercialization of technologies, processes, and other proprietary rights—

(i) owned or held in whole or part by Federal departments, agencies, or government controlled corporations,

(ii) developed in Federal laboratories,

(iii) arising in the course of federally funded research at educational institutions, other units of government or with private concerns; and

(iv) which are otherwise made available to the government by private concerns.

(B) PROMOTIONAL FEES.—Under terms negotiated between the Secretary and the Corporation, the Secretary is authorized to make payments to the Corporation for promotional fees for the production of segments for broadcast over cable television, or other appropriate media, which identify—

(i) the technologies described in paragraph (A);

(ii) their potential commercial applications; and

(iii) methods available for obtaining additional information on the technologies.

(3) TECHNICAL ASSISTANCE.—The Corporation shall, upon request, provide technical assistance and services, as appropriate and needed, to qualified concerns under this title.

(4) OUTREACH TO SPECIFIC AREAS AND SMALL BUSINESSES.—The Corporation shall seek to ensure that qualified concerns and small businesses located in areas determined by the Secretary to have a depressed economy or chronically high unemployment are notified of the availability of assistance through the program established under this section and, to the extent practicable, to encourage and facilitate the participation of such qualified concerns and small businesses in such program.

(h) AUTHORITY TO REPRESENT THE GOVERNMENT.—

(1) IN GENERAL.—In accordance with regulations prescribed by the Secretary, the Corporation shall act as an agent, and represent the interests, of the Federal Government in facilitating the utilization of technologies, processes, and other proprietary rights by qualified concerns under this title.

(2) RIGHTS OF QUALIFIED CONCERNS.—In accordance with regulations promulgated by the Secretary, the Corporation may convey, to qualified concerns, under terms and conditions to be negotiated between the Corporations and qualified concerns, such rights which may be necessary and appropriate to facilitate the utilization and commercialization of technologies, processes, and other proprietary rights as provided under this title.

(3) MINIMUM RIGHTS OF THE FEDERAL GOVERNMENT.—In the conveyance of rights to qualified concerns as provided for under paragraph (2), the Corporation shall ensure the following:

(A) The conveyance agreement contains language providing for the right of the Corporation to revoke the rights provided under paragraph (2) if—

(i) the qualified concern does not demonstrate that it is undertaking a good faith effort to achieve the utilization and commercialization of the technology, process, or other proprietary right; or

(ii) the Secretary certifies that the interests of national security or the general welfare of the American people necessitates the revocation of such rights.

(B) The Federal Government retains a license to such technologies, processes, and other proprietary rights for the Government's own use.

(C) The Federal Government receives in compensation for the conveyance of such rights—

(i) royalties;

(ii) the right to share in the earnings of the qualified entity proportionate to the value of the rights so conveyed; or

(iii) a sum of money or other compensation that the Corporation determines to be appropriate.

(4) AGENT'S FEES.—Under such terms as the Secretary and the Corporation may negotiate, after consulting with the Committee on Banking, Finance and Urban Affairs and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, the Corporation may retain a percentage of any royalties or other compensation accruing to the Federal Government in connection with any licensing agreement entered into by the Corporation on behalf of the Federal Government.

(i) CONSULTATION WITH FEDERAL AGENCIES, AND WITH PRIVATE PARTIES.—

(1) CONSULTATION WITH FEDERAL AGENCIES.—In carrying out this title, the Board and the Corporation shall consult frequently with the Secretary, and such Federal agencies and departments as is appropriate, to ensure coordination and the maximum utilization of all related Federal resources to promote technology utilization and commercialization.

(2) CONSULTATION WITH PRIVATE PARTIES.—In carrying out this title, the Board and the Corporation shall solicit comments from private parties, including representatives of finance, industry, and organized labor on the role of the Corporation and the needs of private parties.

(j) AUDIT BY COMPTROLLER GENERAL.—The Comptroller General of the United States may audit the financial transactions of the Corporation. For the purposes of carrying out such an audit, the Comptroller General shall have access to all books, records, and property belonging to, or in the possession of, the Corporation. In the case of a person or entity which has entered into a financial relationship with the Corporation, the Comptroller General shall have access only to those books, records, and property belonging to, or in the possession of, the person or entity which pertain to the Corporation and which are necessary to carry out the audit. The Comptroller General shall make a report of each such audit to the Congress and the President.

(k) INFORMATION AND OTHER ASSISTANCE FROM FEDERAL AGENCIES.—Upon the request of the Corporation, the head of a Federal department or agency is authorized to—

(1) furnish to the Corporation such information which is available to the agency as

the Board deems necessary for carrying out its functions; and

(2) detail for temporary duty, on a reimbursable basis, such personnel as the Corporations determines to be necessary to carry out its functions.

(l) MISCELLANEOUS PROVISIONS.—

(1) JURISDICTION.—

(A) IN GENERAL.—Whenever the Corporation is a party to any civil action under this title, such action shall be deemed to arise under the laws of the United States. No attachment or execution may be issued against the Corporation, or any property thereof, prior to entry of final judgment.

(B) CITIZENSHIP OF CORPORATION.—The Corporation shall be deemed to be a citizen of the District of Columbia for the purpose of determining the original jurisdiction of the district courts of the United States in civil actions to which the Corporation is a party.

(2) BUSINESS ACTIVITY AND QUALIFICATION.—The Corporation shall be deemed to be qualified to do business in each State in which it performs any activity authorized under this title.

(m) UTILIZATION OF CORPORATION.—It is the sense of the Congress that all Federal departments, agencies, institutions of higher education, and laboratories, and all institutions of higher education and laboratories which are otherwise supported by Federal funds, should use the services of the Corporation to the maximum extent possible.

SEC. 305. ASSISTANCE TO BUSINESSES IN SECURING FINANCING.

(a) INFORMATION CLEARINGHOUSE.—The Corporation established under this title shall act as a one-stop clearinghouse for information to assist qualified concerns identify sources of business development and technology commercialization financing available through the Federal Government as well as through applicable State and local government programs and through private sources.

(b) AGENT OF THE FEDERAL GOVERNMENT.—The Corporation may act as an agent of the Federal Government for purposes of accepting applications for financial assistance and their submission to the appropriate Federal agency on behalf of a qualified concern.

(c) TECHNICAL ASSISTANCE FOR LENDERS AND BORROWERS.—The Corporation shall, upon request, provide technical assistance and services, as appropriate and needed, to lenders and borrowers under this title, and shall ensure that such lenders and borrowers have ready access to appropriate assistance in order to aid such lenders and borrowers in achieving the purposes of this title.

SEC. 306. SAVINGS PROVISION.

It is the intent of the Congress that this title shall be construed as complementing any other provision of Federal law relating to the licensing, utilization, or commercialization of the use of technology and shall not be construed as superseding any such provision, except as otherwise provided in this title.

SEC. 307. RULE OF CONSTRUCTION.

Nothing in this Act or this title shall be construed by the President, the Secretary of Commerce, the Corporation, any Federal agency or department, or any court to affect, alter, amend, modify, or change, or apply to, any program or activity (or any technology developed, derived, or provided through or under such program or activity by any means of any kind) of the Department of Energy, the Department of Transportation, the Department of Health and Human Services, or the Environmental Protection Agency or any office, bureau, commission, laboratory or facility of such agencies or departments.

It was decided in the affirmative { Yeas 270 Nays 135

47.9 [Roll No. 162] AYES—270

- Abercrombie Greenwood Pastor
Ackerman Gunderson Payne (NJ)
Andrews (ME) Gutierrez Payne (VA)
Andrews (NJ) Hall (OH) Pelosi
Andrews (TX) Hall (TX) Penny
Applegate Hamburg Peterson (FL)
Bacchus (FL) Hamilton Petri
Baesler Harman Pickett
Barca Hastings Pomeroy
Barcia Hayes Porter
Barlow Hefner Poshard
Barrett (WI) Herger Price (NC)
Becerra Hinchev Quillen
Beilenson Hoagland Quinn
Bentley Hochbrueckner Rahall
Bereuter Holden Rangel
Berman Horn Ravenel
Bevill Hoyer Reed
Bilbray Hughes Regula
Bishop Hutto Reynolds
Blute Inslee Richardson
Boehlert Jacobs Roemer
Bonior Johnson (GA) Romero-Barcelo
Borski Johnson (SD) (PR)
Boucher Johnston Rose
Brewster Kanjorski Roth
Brooks Kaptur Roukema
Browder Kennedy Rowland
Brown (CA) Kennelly Roybal-Allard
Brown (OH) Kildee Sabo
Bryant Kleczka Sangmeister
Buyer Santorum
Byrne Klein Sarpalius
Canady Klink Sawyer
Cantwell Kopetski Schenk
Cardin Kreidler Schiff
Carr LaFalce Schroeder
Chapman Lambert Schumer
Clay Lancaster Scott
Clement Lantos Serrano
Coleman LaRocco Shays
Collins (IL) Laughlin Shepherd
Collins (MI) Lazio Sisisky
Condit Leach Skaggs
Conyers Lehman Skelton
Costello Levin Slattery
Coyne Levy Slaughter
Cramer Lewis (GA) Smith (IA)
Danner Lipinski Smith (MI)
Darden Long Smith (NJ)
de la Garza Lowey Snowe
de Lugo (VI) Machtley Spratt
Deal Maloney Stark
DeFazio Mann Stenholm
DeLauro Manton Strickland
Derrick Margolies-Studds
Deutsch Markey Stupak
Diaz-Balart Martinez Sundquist
Dicks Matsui Swift
Dixon Mazzoli Synar
Dooley McCloskey Tanner
Durbin McCurdy Tauzin
Edwards (CA) McDade Taylor (MS)
Edwards (TX) McDermott Tejeda
Ehlers McHale Thurman
English McKinney Torkildsen
Eshoo Meehan Torres
Evans Meek Torricelli
Ewing Menendez Towns
Faleomavaega (AS) Mfume Traficant
Farr Minge Tucker
Fazio Mink Unsoeld
Filner Moakley Upton
Fingerhut Mollohan Valentine
Fish Montgomery Vento
Foglietta Moran Visclosky
Ford (TN) Murphy Vucanovich
Franks (CT) Murtha Waters
Franks (NJ) Myers Watt
Furse Nadler Waxman
Gejdenson Neal (MA) Weldon
Gephardt Neal (NC) Whitten
Geren Norton (DC) Williams
Gibbons Oberstar Wise
Gillmor Obey Woolsey
Gilman Olver Wyden
Glickman Ortiz Wynn
Gonzalez Orton Yates
Gordon Pallone
Green Parker

- NOES—135
Allard Gilchrest Mica
Archer Gingrich Michel
Army Goodlatte Miller (FL)
Bachus (AL) Goodling Molinari
Baker (CA) Goss Moorhead
Baker (LA) Grams Morella
Ballenger Hancock Nussle
Bartlett Hansen Oxley
Barton Hastert Packard
Bateman Hefley Paxon
Bilirakis Hobson Peterson (MN)
Bliley Hoekstra Pickle
Boehner Hoke Pombo
Brunner Huffington Portman
Bunning Hunter Pryce (OH)
Burton Hutchinson Ramstad
Callahan Hyde Roberts
Calvert Inglis Rogers
Camp Inhofe Rohrabacher
Castle Istook Ros-Lehtinen
Clinger Johnson (CT) Royce
Coble Johnson, Sam Saxton
Collins (GA) Kasich Schaefer
Combust Kim Sensenbrenner
Coppersmith King Shaw
Cox Kingston Shuster
Crane Klug Skeen
Crapo Knollenberg Smith (OR)
Cunningham Kolbe Smith (TX)
DeLay Kyl Solomon
Dickey Lewis (CA) Spence
Doolittle Lewis (FL) Stearns
Dornan Lightfoot Stump
Dreier Linder Talent
Duncan Livingston Taylor (NC)
Dunn Lloyd Thomas (CA)
Emerson Manzullo Thomas (WY)
Everett McCandless Thornton
Fawell McColium Walker
Fields (TX) McCrery Walsh
Fowler McHugh Wolf
Frank (MA) McInnis Young (AK)
Gallegly McKeon Young (FL)
Gallo McMillan Zeliff
Gekas Meyers Zimmer

NOT VOTING—32

- Barrett (NE) Ford (MI) Rostenkowski
Blackwell Frost Rush
Brown (FL) Grandy Sanders
Clayton Hilliard Sharp
Clyburn Houghton Stokes
Cooper Jefferson Thompson
Dellums Johnson, E. B. Underwood (GU)
Dingell McNulty Velazquez
Engel Miller (CA) Washington
Fields (LA) Owens Wilson
Flake Ridge

So the amendment was agreed to. After some further time,

47.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. GOSS:

TITLE II—APPALACHIAN REGIONAL COMMISSION

SEC. 201. ABOLISHMENT OF APPALACHIAN REGIONAL COMMISSION AND ITS PROGRAMS.

(A) ABOLISHMENT OF APPALACHIAN REGIONAL COMMISSION.—The Appalachian Regional Commission is hereby abolished.

(b) REPEAL OF ACTS.—The Appalachian Regional Development Act of 1965 (40 U.S.C. App. 1 et seq.) is repealed.

SEC. 202. CONCLUSION OF BUSINESS OF APPALACHIAN REGIONAL COMMISSION.

(a) AUTHORITY OF PRESIDENT TO CONCLUDE BUSINESS AND HONOR CONTRACTS.—The President shall provide for the conclusion of any outstanding affairs of the Appalachian Regional Commission, including matters affecting the disposition of personnel. The President may take any action that (if this title had not been enacted) would have been authorized as of the effective date of this title under the Act repealed by section 201(b) and is necessary or appropriate to administer and fulfill the terms of any grant, contract, loan, or other obligation made by the Appa-

lachian Regional Commission pursuant to the Act repealed by section 201(b).

(b) EFFECT OF ABOLISHMENT ON EXPENDITURE OF FUNDS ALREADY RECEIVED.—Section 201 may not be construed to prevent the expenditure of any funds received from a grant or loan under the Act repealed by section 201(b). Any grant or loan made under such Act before the effective date of this title shall be subject to any laws and regulations that would have applied to the grant or loan if this title had not been enacted.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

SEC. 204. EFFECTIVE DATE.

This title shall take effect on the 1st day of the 1st fiscal year that begins after the date of the enactment of this Act.

Conform the table of contents accordingly.

It was decided in the negative { Yeas 143 Nays 261

47.11 [Roll No. 163] AYES—143

- Allard Hancock Miller (FL)
Archer Hansen Minge
Army Harman Moorhead
Baker (CA) Hastert Nussle
Baker (LA) Hefley Oxley
Ballenger Herger Paxon
Barton Hoekstra Penny
Bereuter Hoke Peterson (MN)
Bilirakis Horn Petri
Boehner Huffington Pombo
Bonilla Hutchinson Porter
Burton Hyde Pryce (OH)
Buyer Inglis Ramstad
Calvert Inhofe Ravenel
Camp Istook Roberts
Canady Johnson (CT) Rohrabacher
Castle Johnson, Sam Ros-Lehtinen
Coble Kasich Roth
Collins (GA) Kim Roukema
Combust King Royce
Condit Kingston Saxton
Cox Klein Schaefer
Crane Klug Schenk
Crapo Knollenberg Sensenbrenner
Cunningham Kolbe Shaw
DeLay Kyl Shays
Diaz-Balart Lazio Slattery
Dickey Levy Smith (MI)
Doolittle Lewis (CA) Smith (TX)
Dornan Linder Solomon
Dreier Livingston Stearns
Duncan Machtley Stenholm
Dunn Mann Stump
Ehlers Manzullo Swett
Ewing Margolies-Talent
Fawell Mezvinsky Tauzin
Fields (TX) McCandless Thomas (CA)
Fowler McColium Thomas (WY)
Franks (CT) McCrery Thurman
Gallegly McCurdy Torkildsen
Gilchrest McHugh Upton
Gingrich McInnis Walker
Goodling McKeon Weldon
Goss McMillan Wolf
Grams Meehan Young (AK)
Greenwood Meyers Young (FL)
Gunderson Mica Zeliff
Hall (TX) Michel Zimmer

NOES—261

- Abercrombie Bishop Chapman
Ackerman Bliley Clay
Andrews (ME) Blute Clement
Andrews (TX) Boehlert Clinger
Applegate Bonior Coleman
Bacchus (FL) Borski Collins (IL)
Bachus (AL) Boucher Collins (MI)
Baesler Brewster Conyers
Barca Brooks Coppersmith
Barcia Browder Costello
Barlow Brown (CA) Coyne
Barrett (WI) Brown (OH) Cramer
Bartlett Bryant Danner
Bateman Bunning Darden
Becerra Byrne de la Garza
Beilenson Callahan de Lugo (VI)
Bentley Cantwell Deal
Bevill Cardin DeFazio
Bilbray Carr DeLauro