

106TH CONGRESS  
1ST SESSION

# H. R. 1744

To authorize appropriations for the National Institute of Standards and Technology for fiscal years 2000 and 2001, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

MAY 10, 1999

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

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## A BILL

To authorize appropriations for the National Institute of Standards and Technology for fiscal years 2000 and 2001, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “National Institute of  
5 Standards and Technology Authorization Act of 1999”.

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

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

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

4 (1) \$274,513,000 for fiscal year 2000, of  
5 which—

6 (A) \$39,960,000 shall be for Electronics  
7 and Electrical Engineering;

8 (B) \$17,916,000 shall be for Manufac-  
9 turing Engineering;

10 (C) \$34,061,000 shall be for Chemical  
11 Science and Technology;

12 (D) \$29,569,000 shall be for Physics;

13 (E) \$53,093,000 shall be for Material  
14 Science and Engineering;

15 (F) \$13,817,000 shall be for Building and  
16 Fire Research;

17 (G) \$37,058,000 shall be for Computer  
18 Science and Applied Mathematics;

19 (H) \$17,636,000 shall be for Technical As-  
20 sistance; and

21 (I) \$31,403,000 shall be for Research Sup-  
22 port; and

23 (2) \$285,152,000 for fiscal year 2001.

24 (b) MALCOLM BALDRIGE NATIONAL QUALITY PRO-  
25 GRAM.—There are authorized to be appropriated to the

1 Secretary of Commerce for the Malcolm Baldrige National  
2 Quality Program under section 17 of the Stevenson-  
3 Wydler Technology Innovation Act of 1980 (15 U.S.C.  
4 3711a)—

5 (1) \$5,100,000 for fiscal year 2000; and

6 (2) \$5,100,000 for fiscal year 2001.

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

11 (A) \$106,800,000 for fiscal year 2000; and

12 (B) \$31,800,000 for fiscal year 2001.

13 (2) None of the funds authorized by paragraph  
14 (1)(B) for construction of facilities may be obligated un-  
15 less the Secretary of Commerce has certified to the Com-  
16 mittee on Science of the House of Representatives and the  
17 Committee on Commerce, Science, and Transportation of  
18 the Senate that the obligation of funds is consistent with  
19 a plan for meeting the facilities needs of the National In-  
20 stitute of Standards and Technology that the Secretary  
21 has transmitted to those committees.



1           (2) \$256,700,000 for fiscal year 2001, of  
2       which—

3           (A) \$149,900,000 shall be for the Ad-  
4       vanced Technology Program under section 28  
5       of the National Institute of Standards and  
6       Technology Act (15 U.S.C. 278n); and

7           (B) \$106,800,000 shall be for the Manu-  
8       facturing Extension Partnerships program  
9       under sections 25 and 26 of the National Insti-  
10      tute of Standards and Technology Act (15  
11      U.S.C. 278k and 278l).

12 **SEC. 5. NATIONAL TECHNICAL INFORMATION SERVICE.**

13       There are authorized to be appropriated to the Sec-  
14      retary of Commerce for the National Technical Informa-  
15      tion Service \$2,000,000 for fiscal year 2000.

16 **SEC. 6. NATIONAL INSTITUTE OF STANDARDS AND TECH-**  
17 **NOLOGY ACT AMENDMENTS.**

18       (a) AMENDMENTS.—Section 28 of the National Insti-  
19      tute of Standards and Technology Act (15 U.S.C. 278n)  
20      is amended—

21           (1) by inserting “and if the non-Federal partici-  
22      pants in the joint venture agree to pay at least 60  
23      percent of the total costs of the joint venture during  
24      the Federal participation period under this section,

1 which shall not exceed 5 years,” in subsection  
2 (b)(1)(B) after “participation to be appropriate,”;

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

7 (3) by striking “, provided that emphasis is” in  
8 subsection (b)(2) and inserting in lieu thereof “on  
9 the condition that grant recipients (other than small  
10 businesses within the meaning of the Small Business  
11 Act) provide at least 60 percent of the costs of the  
12 project, with emphasis”;

13 (4) in subsection (d)(1), by inserting “and be of  
14 a nature and scope that would not be pursued in a  
15 timely manner without Federal assistance” after  
16 “technical merit”; and

17 (5) by adding at the end the following new sub-  
18 section:

19 “(k) The Secretary, acting through the Director, may  
20 vest title to tangible personal property in any recipient of  
21 financial assistance under this section if—

22 “(1) the property is purchased with funds pro-  
23 vided under this section; and

1           “(2) the Secretary, acting through the Director,  
2           determines that the vesting of such property fur-  
3           thers the objectives of the Institute.

4 Vesting under this subsection shall be subject to such limi-  
5 tations as are prescribed by the Secretary, acting through  
6 the Director, and shall be made without further obligation  
7 to the United States Government.”.

8           (b) ADDITIONAL AMENDMENT.—(1) Section 28 of  
9 the National Institute of Standards and Technology Act  
10 (15 U.S.C. 278n) is further amended by striking the pe-  
11 riod at the end of the first sentence of subsection  
12 (d)(11)(A) and inserting in lieu thereof the following: “or  
13 any other participant in a joint venture receiving financial  
14 assistance under this section, as agreed by the parties,  
15 notwithstanding the requirements of section 202 (a) and  
16 (b) of title 35, United States Code.”.

17           (2) The amendment made by this subsection shall be  
18 effective only with respect to assistance for which solicita-  
19 tions for proposals are made after the date of the enact-  
20 ment of this Act.

21 **SEC. 7. TECHNICAL AMENDMENTS.**

22           (a) RESEARCH FELLOWSHIPS.—Section 18 of the  
23 National Institute of Standards and Technology Act (15  
24 U.S.C. 278g–1) is amended by striking “up to 1 per cen-  
25 tum of the”.

1 (b) OUTDATED SPECIFICATIONS.—Section 2 of the  
2 Act entitled “An Act to authorize the Use of the Metric  
3 System of Weights and Measures” enacted July 28, 1866  
4 (15 U.S.C. 205) is amended to read as follows:

5 “SEC. 2. The metric system of measurement shall be  
6 defined as the International System of Units as estab-  
7 lished in 1960, and subsequently maintained, by the Gen-  
8 eral Conference of Weights and Measures, and as inter-  
9 preted or modified for the United States by the Secretary  
10 of Commerce.”.

11 **SEC. 8. ELIGIBILITY FOR AWARDS.**

12 (a) IN GENERAL.—The Director of the National In-  
13 stitute of Standards and Technology shall exclude from  
14 consideration for grant agreements made by the Institute  
15 after fiscal year 1999 any person who received funds,  
16 other than those described in subsection (b), appropriated  
17 for a fiscal year after fiscal year 1999, under a grant  
18 agreement from any Federal funding source for a project  
19 that was not subjected to a competitive, merit-based award  
20 process, except as specifically authorized by this Act. Any  
21 exclusion from consideration pursuant to this section shall  
22 be effective for a period of 5 years after the person re-  
23 ceives such Federal funds.

24 (b) EXCEPTION.—Subsection (a) shall not apply to  
25 the receipt of Federal funds by a person due to the mem-

1 bership of that person in a class specified by law for which  
2 assistance is awarded to members of the class according  
3 to a formula provided by law.

4 (c) DEFINITION.—For purposes of this section, the  
5 term “grant agreement” means a legal instrument whose  
6 principal purpose is to transfer a thing of value to the  
7 recipient to carry out a public purpose of support or stim-  
8 ulation authorized by a law of the United States, and does  
9 not include the acquisition (by purchase, lease, or barter)  
10 of property or services for the direct benefit or use of the  
11 United States Government. Such term does not include  
12 a cooperative agreement (as such term is used in section  
13 6305 of title 31, United States Code) or a cooperative re-  
14 search and development agreement (as such term is de-  
15 fined in section 12(d)(1) of the Stevenson-Wydler Tech-  
16 nology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

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