

BRYANT] for his diligence in pushing this bill through. It is a needed bill, and I do not know if this is the first bill the gentleman is passing on the floor of the House, but I congratulate the gentleman, whatever bill it is; it is his first one, so I congratulate him on this landmark occasion in his long and distinguished career.

Mr. CONYERS. Mr. Speaker, with all of the problems facing our prison system today—a system which has proven to be a breeding ground for more serious crime—what the majority sends us is a bill increasing the penalties for escaping from prison. And instead of explaining why such a bill is necessary, we hear that the problem is that the judges don't give stiff enough sentences.

H.R. 1533 responds to a non-existent problem. I am unaware of any great rash of prison breaks. In 1993 for example, only 6 people escaped from Federal prisons, 197 people were considered walk aways—people who did not return to halfway houses.

Prison officials are not clamoring for this change in the law. This increased penalty is unnecessary. It is ridiculous to think that potentially higher sentences will deter attempts to escape from prison. Those individuals who attempt such escapes are not thinking about the penalty for getting caught, because they do not think they will get caught. If they thought they would be caught, they wouldn't try to escape in the first place.

There is no way to characterize legislative proposals such as this other than whistling past the graveyard. Just last week the Justice Department released a startling midyear report showing that the incarceration rate in this country had reached an all-time record of 1.1 million people. The number of prisoners grew by 90,000 people last year—another all-time record. The incarceration rate in this country is higher than any other country in the world and is 8 to 10 times higher than other industrialized nations.

And the racial make up of our prison population is even more striking. Last year some 33 percent of black men in their 20's were in prison or on parole. This contrasts with the rate for white men, which was 6.7 percent. Why are such an increasing number of African-Americans serving more time in prison? The Sentencing Project concludes that "the statistics primarily reflected changes in law enforcement policies that have resulted in a greater number of defendants receiving prison sentences, especially prison sentences, rather than an increase in the number of crimes committed by black men."

So instead of trying to deal with the very real, very serious problems which face our prisons—like the problem of a disparity in crack cocaine sentences—we will be voting on a bill to increase sentences for attempted escapes from prison. The bill we are considering today is a complete waste of time. I only wish the majority would spend half as much time on the real problems facing our prisons as they do trying to score political points by acting tough on crime.

The SPEAKER pro tempore (Mr. EWING). All time has expired.

The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 1533.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1240, H.R. 2418, and H.R. 1533.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

#### NATIONAL TECHNOLOGY TRANSFER AND ADVANCEMENT ACT OF 1995

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2196) to amend the Stevenson-Wydler Technology Innovation Act of 1980 with respect to inventions made under cooperative research and development agreements, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2196

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Technology Transfer and Advancement Act of 1995".

#### SEC. 2. FINDINGS.

The Congress finds the following:

(1) Bringing technology and industrial innovation to the marketplace is central to the economic, environmental, and social well-being of the people of the United States.

(2) The Federal Government can help United States business to speed the development of new products and processes by entering into cooperative research and development agreements which make available the assistance of Federal laboratories to the private sector, but the commercialization of technology and industrial innovation in the United States depends upon actions by business.

(3) The commercialization of technology and industrial innovation in the United States will be enhanced if companies, in return for reasonable compensation to the Federal Government, can more easily obtain exclusive licenses to inventions which develop as a result of cooperative research with scientists employed by Federal laboratories.

#### SEC. 3. USE OF FEDERAL TECHNOLOGY.

Subparagraph (B) of section 11(e)(7) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(e)(7)(B)) is amended to read as follows:

"(B) A transfer shall be made by any Federal agency under subparagraph (A), for any fiscal year, only if the amount so transferred by that agency (as determined under such subparagraph) would exceed \$10,000."

#### SEC. 4. TITLE TO INTELLECTUAL PROPERTY ARISING FROM COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

Subsection (b) of section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(b)) is amended to read as follows:

"(b) ENUMERATED AUTHORITY.—(1) Under an agreement entered into pursuant to sub-

section (a)(1), the laboratory may grant, or agree to grant in advance, to a collaborating party patent licenses or assignments, or options thereto, in any invention made in whole or in part by a laboratory employee under the agreement, for reasonable compensation when appropriate. The laboratory shall ensure, through such agreement, that the collaborating party has the option to choose an exclusive license for a field of use for any such invention under the agreement or, if there is more than one collaborating party, that the collaborating parties are offered the option to hold licensing rights that collectively encompass the rights that would be held under such an exclusive license by one party. In consideration for the Government's contribution under the agreement, grants under this paragraph shall be subject to the following explicit conditions:

"(A) A nonexclusive, nontransferable, irrevocable, paid-up license from the collaborating party to the laboratory to practice the invention or have the invention practiced throughout the world by or on behalf of the Government. In the exercise of such license, the Government shall not publicly disclose trade secrets or commercial or financial information that is privileged or confidential within the meaning of section 552(b)(4) of title 5, United States Code, or which would be considered as such if it had been obtained from a non-Federal party.

"(B) If a laboratory assigns title or grants an exclusive license to such an invention, the Government shall retain the right—

"(i) to require the collaborating party to grant to a responsible applicant a nonexclusive, partially exclusive, or exclusive license to use the invention in the applicant's licensed field of use, on terms that are reasonable under the circumstances; or

"(ii) if the collaborating party fails to grant such a license, to grant the license itself.

"(C) The Government may exercise its right retained under subparagraph (B) only if the Government finds that—

"(i) the action is necessary to meet health or safety needs that are not reasonably satisfied by the collaborating party;

"(ii) the action is necessary to meet requirements for public use specified by Federal regulations, and such requirements are not reasonably satisfied by the collaborating party; or

"(iii) the collaborating party has failed to comply with an agreement containing provisions described in subsection (c)(4)(B).

"(2) Under agreements entered into pursuant to subsection (a)(1), the laboratory shall ensure that a collaborating party may retain title to any invention made solely by its employee in exchange for normally granting the Government a nonexclusive, nontransferable, irrevocable, paid-up license to practice the invention or have the invention practiced throughout the world by or on behalf of the Government for research or other Government purposes.

"(3) Under an agreement entered into pursuant to subsection (a)(1), a laboratory may—

"(A) accept, retain, and use funds, personnel, services, and property from a collaborating party and provide personnel, services, and property to a collaborating party;

"(B) use funds received from a collaborating party in accordance with subparagraph (A) to hire personnel to carry out the agreement who will not be subject to full-time-equivalent restrictions of the agency;

"(C) to the extent consistent with any applicable agency requirements or standards of conduct, permit an employee or former employee of the laboratory to participate in an effort to commercialize an invention made by the employee or former employee while in

the employment or service of the Government; and

“(D) waive, subject to reservation by the Government of a nonexclusive, irrevocable, paid-up license to practice the invention or have the invention practiced throughout the world by or on behalf of the Government, in advance, in whole or in part, any right of ownership which the Federal Government may have to any subject invention made under the agreement by a collaborating party or employee of a collaborating party.

“(4) A collaborating party in an exclusive license in any invention made under an agreement entered into pursuant to subsection (a)(1) shall have the right of enforcement under chapter 29 of title 35, United States Code.

“(5) A Government-owned, contractor-operated laboratory that enters into a cooperative research and development agreement pursuant to subsection (a)(1) may use or obligate royalties or other income accruing to the laboratory under such agreement with respect to any invention only—

“(A) for payments to inventors;

“(B) for purposes described in clauses (i), (ii), (iii), and (iv) of section 14(a)(1)(B); and

“(C) for scientific research and development consistent with the research and development missions and objectives of the laboratory.”

**SEC. 5. DISTRIBUTION OF INCOME FROM INTELLECTUAL PROPERTY RECEIVED BY FEDERAL LABORATORIES.**

Section 14 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710c) is amended—

(1) by amending subsection (a)(1) to read as follows:

“(1) Except as provided in paragraphs (2) and (4), any royalties or other payments received by a Federal agency from the licensing and assignment of inventions under agreements entered into by Federal laboratories under section 12, and from the licensing of inventions of Federal laboratories under section 207 of title 35, United States Code, or under any other provision of law, shall be retained by the laboratory which produced the invention and shall be disposed of as follows:

“(A)(i) The head of the agency or laboratory, or such individual's designee, shall pay each year the first \$2,000, and thereafter at least 15 percent, of the royalties or other payments to the inventor or coinventors.

“(ii) An agency or laboratory may provide appropriate incentives, from royalties, or other payments, to laboratory employees who are not an inventor of such inventions but who substantially increased the technical value of such inventions.

“(iii) The agency or laboratory shall retain the royalties and other payments received from an invention until the agency or laboratory makes payments to employees of a laboratory under clause (i) or (ii).

“(B) The balance of the royalties or other payments shall be transferred by the agency to its laboratories, with the majority share of the royalties or other payments from any invention going to the laboratory where the invention occurred. The royalties or other payments so transferred to any laboratory may be used or obligated by that laboratory during the fiscal year in which they are received or during the succeeding fiscal year—

“(i) to reward scientific, engineering, and technical employees of the laboratory, including developers of sensitive or classified technology, regardless of whether the technology has commercial applications;

“(ii) to further scientific exchange among the laboratories of the agency;

“(iii) for education and training of employees consistent with the research and development missions and objectives of the agency

or laboratory, and for other activities that increase the potential for transfer of the technology of the laboratories of the agency;

“(iv) for payment of expenses incidental to the administration and licensing of intellectual property by the agency or laboratory with respect to inventions made at that laboratory, including the fees or other costs for the services of other agencies, persons, or organizations for intellectual property management and licensing services; or

“(v) for scientific research and development consistent with the research and development missions and objectives of the laboratory.

“(C) All royalties or other payments retained by the agency or laboratory after payments have been made pursuant to subparagraphs (A) and (B) that is unobligated and unexpended at the end of the second fiscal year succeeding the fiscal year in which the royalties and other payments were received shall be paid into the Treasury.”;

(2) in subsection (a)(2)—

(A) by inserting “or other payments” after “royalties”; and

(B) by striking “for the purposes described in clauses (i) through (iv) of paragraph (1)(B) during that fiscal year or the succeeding fiscal year” and inserting in lieu thereof “under paragraph (1)(B)”;

(3) in subsection (a)(3), by striking “\$100,000” both places it appears and inserting “\$150,000”;

(4) in subsection (a)(4)—

(A) by striking “income” each place it appears and inserting in lieu thereof “payments”;

(B) by striking “the payment of royalties to inventors” in the first sentence thereof and inserting in lieu thereof “payments to inventors”;

(C) by striking “clause (i) of paragraph (1)(B)” and inserting in lieu thereof “clause (iv) of paragraph (1)(B)”;

(D) by striking “payment of the royalties,” in the second sentence thereof and inserting in lieu thereof “offsetting the payments to inventors.”; and

(E) by striking “clauses (i) through (iv) of”; and

(5) by amending paragraph (1) of subsection (b) to read as follows:

“(1) by a contractor, grantee, or participant, or an employee of a contractor, grantee, or participant, in an agreement or other arrangement with the agency, or”

**SEC. 6. EMPLOYEE ACTIVITIES.**

Section 15(a) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710d(a)) is amended—

(1) by striking “the right of ownership to an invention under this Act” and inserting in lieu thereof “ownership of or the right of ownership to an invention made by a Federal employee”; and

(2) by inserting “obtain or” after “the Government, to”.

**SEC. 7. AMENDMENT TO BAYH-DOLE ACT.**

Section 210(e) of title 35, United States Code, is amended by striking “, as amended by the Federal Technology Transfer Act of 1986,”.

**SEC. 8. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT AMENDMENTS.**

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(1) in section 10(a)—

(A) by striking “nine” and inserting in lieu thereof “15”; and

(B) by striking “five” and inserting in lieu thereof “10”;

(2) in section 15—

(A) by striking “Pay Act of 1945; and” and inserting in lieu thereof “Pay Act of 1945”; and

(B) by inserting “; and (h) the provision of transportation services for employees of the Institute between the facilities of the Institute and nearby public transportation, notwithstanding section 1344 of title 31, United States Code” after “interests of the Government”; and

(3) in section 19—

(A) by inserting “, subject to the availability of appropriations,” after “post-doctoral fellowship program”; and

(B) by striking “nor more than forty” and inserting in lieu thereof “nor more than 60”.

**SEC. 9. RESEARCH EQUIPMENT.**

Section 11(i) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710(i)) is amended—

(1) by inserting “loan, lease,” after “department, may”; and

(2) by inserting “Actions taken under this subsection shall not be subject to Federal requirements on the disposal of property.” after “education and research activities.”.

**SEC. 10. PERSONNEL.**

The personnel management demonstration project established under section 10 of the National Bureau of Standards Authorization Act for Fiscal Year 1987 (15 U.S.C. 275 note) is extended indefinitely.

**SEC. 11. FASTENER QUALITY ACT AMENDMENTS.**

(a) SECTION 2 AMENDMENTS.—Section 2 of the Fastener Quality Act (15 U.S.C. 5401) is amended—

(1) by striking subsection (a)(4), and redesignating paragraphs (5) through (9) as paragraphs (4) through (8), respectively;

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

(3) in subsection (b), by striking “used in critical applications” and inserting in lieu thereof “in commerce”.

(b) SECTION 3 AMENDMENTS.—Section 3 of the Fastener Quality Act (15 U.S.C. 5402) is amended—

(1) in paragraph (1)(B) by striking “having a minimum tensile strength of 150,000 pounds per square inch”;

(2) in paragraph (2), by inserting “consensus” after “or any other”;

(3) in paragraph (5)—

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

(B) by striking “or” at the end of subparagraph (C);

(C) by striking subparagraph (D); and

(D) by inserting “or produced in accordance with ASTM F 432” after “307 Grade A”;

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

(5) in paragraph (8) by striking “Standard” and inserting in lieu thereof “Standards”;

(6) by striking paragraph (11) and redesignating paragraphs (12) through (15) as paragraphs (11) through (14), respectively;

(7) in paragraph (13), as so redesignated by paragraph (6) of this subsection, by striking “, a government agency” and all that follows through “markings of any fastener” and inserting in lieu thereof “or a government agency”; and

(8) in paragraph (14), as so redesignated by paragraph (6) of this subsection, by inserting “for the purpose of achieving a uniform hardness” after “quenching and tempering”.

(c) SECTION 4 REPEAL.—Section 4 of the Fastener Quality Act (15 U.S.C. 5403) is repealed.

(d) SECTION 5 AMENDMENTS.—Section 5 of the Fastener Quality Act (15 U.S.C. 5404) is amended—

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

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

(3) in subsection (c)(3) by striking ", such as the chemical, dimensional, physical, mechanical, and any other";

(4) in subsection (c)(4) by inserting "except as provided in subsection (d)," before "state whether"; and

(5) by adding 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 demonstrated, 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."

(e) SECTION 6 AMENDMENT.—Section 6(a)(1) of the Fastener Quality Act (15 U.S.C. 5405(a)(1)) is amended by striking "Within 180 days after the date of enactment of this Act, the" and inserting in lieu thereof "The".

(f) SECTION 7 AMENDMENTS.—Section 7 of the Fastener Quality Act (15 U.S.C. 5406) is amended—

(1) by amending subsection (a) to read as follows:

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

"(1) have been manufactured according to the requirements of the applicable standards and specifications and have been inspected and tested by a laboratory accredited in accordance with the procedures and conditions specified by the Secretary under section 6; and

"(2) an original laboratory testing report described in section 5(c) and a manufacturer's certificate of conformance are on file with the manufacturer, or under such custody as may be prescribed by the Secretary, and available for inspection.";

(2) in subsection (c)(2) by inserting "to the same" after "in the same manner and";

(3) in subsection (d)(1) by striking "certificate" and inserting in lieu thereof "test report"; and

(4) by striking subsections (e), (f), and (g) and inserting in lieu thereof the following:

"(e) COMMINGLING.—It shall be unlawful for any manufacturer, importer, or private label distributor to commingle like fasteners from different lots in the same container, except that such manufacturer, importer, or private label distributor may commingle like fasteners of the same type, grade, and dimension from not more than two tested and certified lots in the same container during repackaging and plating operations. Any container which contains fasteners from two lots shall be conspicuously marked with the lot identification numbers of both lots.

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

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

"(d) ENFORCEMENT.—The Secretary may designate officers or employees of the Department of Commerce to conduct investigations pursuant to this Act. In conducting such investigations, those officers or employees may, to the extent necessary or appropriate to the enforcement of this Act, exercise such authorities as are conferred upon them by other laws of the United States, subject to policies and procedures approved by the Attorney General."

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

(1) in subsections (a) and (b), by striking "10 years" and inserting in lieu thereof "5 years"; and

(2) in subsection (b), by striking "any subsequent" and inserting in lieu thereof "the subsequent".

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

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

#### SEC. 12. STANDARDS CONFORMITY.

(a) USE OF STANDARDS.—Section 2(b) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)) is amended—

(1) in paragraph (2), by striking " , including comparing standards" and all that follows through "Federal Government";

(2) by redesignating paragraphs (3) through (11) as paragraphs (4) through (12), respectively; and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) to compare standards used in scientific investigations, engineering, manufacturing, commerce, industry, and educational institutions with the standards adopted or recognized by the Federal Government and to coordinate the use by Federal agencies of private sector standards, emphasizing where possible the use of standards developed by private, consensus organizations;"

(b) CONFORMITY ASSESSMENT ACTIVITIES.—Section 2(b) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)) is amended—

(1) by striking "and" at the end of paragraph (11), as so redesignated by subsection (a)(2) of this section;

(2) by striking the period at the end of paragraph (12), as so redesignated by subsection (a)(2) of this section, and inserting in lieu thereof "; and"; and

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

"(13) to coordinate Federal, State, local, and private sector standards conformity as-

essment activities, with the goal of eliminating unnecessary duplication and complexity in the development and promulgation of conformity assessment requirements and measures."

(c) TRANSMITTAL OF PLAN TO CONGRESS.—The National Institute of Standards and Technology shall, by January 1, 1996, transmit to the Congress a plan for implementing the amendments made by this section.

(d) UTILIZATION OF CONSENSUS STANDARDS BY FEDERAL AGENCIES; REPORTS.—(1) To the extent practicable, all Federal agencies and departments shall use, for procurement and regulatory applications, standards that are developed or adopted by voluntary, private sector, consensus standards bodies.

(2) Federal agencies and departments shall consult with voluntary, private sector, consensus standards bodies, and shall participate with such bodies in the development of standards, as appropriate in carrying out paragraph (1).

(3) If a Federal agency or department elects to develop, for procurement or regulatory applications, standards that are not developed or adopted by voluntary, private sector, consensus standards bodies, the head of such agency or department shall transmit to the Office of Management and Budget, via the National Institute of Standards and Technology, an explanation of the reasons for developing such standards. The Office of Management and Budget, with the assistance of the National Institute of Standards and Technology, shall annually transmit to the Congress explanations concerning exceptions made under this subsection.

#### SEC. 13. SENSE OF CONGRESS.

It is the sense of the Congress that the Malcolm Baldrige National Quality Award program offers substantial benefits to United States industry, and that all funds appropriated for such program should be spent in support of the goals of the program.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland [Mrs. MORELLA] will be recognized for 20 minutes, and the gentleman from Tennessee [Mr. TANNER] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, the Science Committee has a long history of encouraging, in a strong bipartisan manner, the transfer of technology and collaboration between our Federal laboratories and industry.

This afternoon, as we consider H.R. 2196, the National Technology Transfer and Advancement Act of 1995, we are following in that tradition.

I am very pleased to have my distinguished colleagues, Science Committee Chairman WALKER, Science committee ranking Member Congressman BROWN, and my Technology Subcommittee ranking member, Congressman TANNER, as original cosponsors of H.R. 2196. Additionally, S. 1164, the Senate companion bill to H.R. 2196, has been introduced by Senator ROCKEFELLER and has passed the Senate Commerce Committee.

I am also very pleased with the strong outside support H.R. 2196 has received. The administration, and a series of Federal agency officials, Federal

laboratory directors, as well as a broad spectrum of industry association representatives and private sector officers have all endorsed passage of the Act as an effective method to enhance our Nation's international competitiveness.

Mr. Speaker, successful technology transfer results in the creation of innovative products or processes becoming available to meet or induce market demand. Congress has long tried to encourage technology transfer to the private sector created in our Federal laboratories.

This is eminently logical since Federal laboratories are considered one of our Nation's greatest assets; yet, they are also a largely untapped resource of technical expertise.

The United States has over 700 Federal laboratories, employing one of six scientists in the Nation and occupying one-fifth of the country's lab and equipment capabilities.

It is, therefore, important to our future economic well-being to make the ideas and resources of our Federal laboratory scientists available to United States companies for commercialization opportunities.

Beginning with the landmark Stevenson-Wylder Technology Innovation Act of 1980, through the Federal Technology Transfer Act of 1986, among others, Congress has promoted technology transfer efforts, especially through a cooperative research and development agreement [CRADA].

The CRADA mechanism allows a laboratory and an industrial company to negotiate patent rights and royalties before they conduct joint research, giving the company patent protection for any inventions and products that result from the collaboration. This patent protection provides an incentive for the companies to invest in turning laboratory ideas into commercial products.

A CRADA provides a Federal laboratory with valuable insights into the needs and priorities of industry, and with the expertise available only in industry, that enhances a laboratory's ability to accomplish its mission.

Since the inception in 1986 of the CRADA legislation, over 2,000 have been signed, resulting in the transfer of technology, knowledge, and expertise back and forth between our Federal laboratories and the private sector.

Despite the success of the CRADA legislation, there are, however, existing impediments to private companies entering into a CRADA.

The law was originally designed to provide a great deal of flexibility in the negotiation of intellectual property rights to both the private sector partner and the Federal laboratory.

The law, however, provides little guidance to either party on the adequacy of those rights a private sector partner should receive in a CRADA. Agencies are given broad discretion in the determination of intellectual property rights under CRADA legislation.

This has often resulted in laborious negotiations of patent rights for cer-

tain laboratories and their partners each time they discuss a new CRADA.

With options ranging from assigning the company full patent title to providing the company with only a nonexclusive license for a narrow field of use, both sides must undergo this negotiation on the range of intellectual property rights for each CRADA.

This uncertainty of intellectual property rights, coupled with the time and effort required in negotiation, may now be hindering collaboration by the private sector with Federal laboratories.

This, in essence, has become a barrier to technology transfer. Companies are reluctant to enter into a CRADA, or equally important, to commit substantial investments to commercialize CRADA inventions, unless they have some assurance they will control important intellectual property rights.

The National Technology Transfer and Advancement Act of 1995, addresses these concerns, and others, through the following objectives:

First, by promoting prompt deployment by United States industry of discoveries created in a collaborative agreement with Federal laboratories by guaranteeing the industry partner sufficient intellectual property rights to the invention;

Second, by providing important incentives and rewards to Federal laboratory personnel who create new inventions;

Third, by providing several clarifying and strengthening amendments to current technology transfer laws; and

Fourth, by making legislative changes affecting the Fastener Quality Act, the Federal use of standards, and the management and administration of scientific research and standards measurement at the National Institute of Standards and Technology [NIST].

Specifically, H.R. 2196 seeks to enhance the possibility of commercialization of technology and industrial innovation in the United States by providing assurances that sufficient rights to intellectual property will be granted to the private sector partner with a Federal laboratory.

H.R. 2196 guarantees to the private sector partner the option, at minimum, of selecting an exclusive license in a field of use for a new invention created in a CRADA.

The company would then have the right to use the new invention in exchange for reasonable compensation to the laboratory.

The important factor is that industry selects which option makes the most sense under the CRADA. A company will now have the knowledge that they are assured of having no less than an exclusive license in an application area of its choosing.

These statutory guidelines give companies real assurance that they will receive important intellectual property out of any CRADA they fund.

Knowing they have an exclusive claim to the invention will, consequently, give a company both an

extra incentive to enter into a CRADA and the knowledge that they can safely invest further in the commercialization of that invention.

In addition, H.R. 2196 addresses concerns about government rights to an invention created in a CRADA. It provides that the Federal Government will retain minimum statutory rights to use the technology for its own purposes.

H.R. 2196 provides limited government "march-in-rights" if there is a public necessity that requires compulsory licensing of the technology.

It also provides important incentives in royalty sharing to Federal laboratory personnel who create new technologies by enhancing the financial incentives and rewards given to Federal laboratory scientists for technology that results in marketable products.

These new incentives respond to criticism made before the Science Committee that agencies are not sufficiently rewarding laboratory personnel for their inventions.

It is important to note that these incentives are paid from the income the laboratories received for commercialized technology, not from tax dollars.

In addition, the Act provides a significant new incentive by allowing the laboratory to use royalties for related scientific research and development, consistent with the objectives and mission of the laboratory.

In this era of limited Federal fiscal resources, as we seek to balance our budget, these important incentives and administrative provisions can be very important to help a laboratory effectively meet its mission.

H.R. 2196 will help facilitate and speed technology cooperation between industry and our Federal laboratories, thus benefiting our economy and our citizens by making a CRADA more attractive to both American industry and Federal laboratories.

The Act is important because it comes at a time when both Federal laboratories and industry need to work closer together for their mutual benefit and our national competitiveness.

I urge all of my colleagues to support this important bill to enhance our Nation's international competitiveness. With today's House passage, H.R. 2196 can be brought to the Senate for its expedited consideration, and then sent to the President for his signature into law.

□ 1800

Mr. Speaker, I reserve the balance of my time.

Mr. TANNER. Mr. Speaker, I yield myself such time as I may consume.

(Mr. TANNER asked and was given permission to revise and extend his remarks.)

Mr. TANNER. Mr. Speaker, I rise in support of H.R. 2196, the National Technology Transfer and Advancement Act of 1995. I want to commend Chairwoman MORELLA for her continued and

strong support of technology transfer from the Federal laboratories. We have worked on this bill in a spirit of bipartisan cooperation and it addresses gaps in our current technology transfer laws.

This is a short bill, the sections dealing with technology transfer are only nine pages, yet it impacts an area of considerable Federal investment. This bill amends and improves existing technology transfer laws affecting more than 700 Federal laboratories. H.R. 2196 enhances the ability of our national laboratories to work with industry to develop and commercialize new technologies.

Cooperative research and development agreements [CRADA's] represent a sizeable investment by the Federal Government and the private sector. Federal laboratories will have more than 6,000 active cooperative research and development agreements with industry and universities in 1995, representing more than \$5 billion in Federal investment and matched by private sector partners.

I have witnessed firsthand the importance of technology transfer in maintaining the vitality of our Federal labs and to the economy. Oak Ridge National Laboratory in Tennessee accounts for almost 20 percent of all CRADA's signed by DOE laboratories and contractors. Since 1990, Oak Ridge National Lab has: Invested more than \$320 million in cooperative research with industry; signed more than 280 CRADA's—39 percent of them with small businesses; issued more than 152 technology licenses and has a patent portfolio of over 400 licensable technologies; and, applied for almost 100 patents per year.

These activities have resulted in more than \$80 million in sales and have generated \$3.5 million in royalty payments to Oak Ridge. More importantly, technology transfer activities at Oak Ridge have fostered more than 55 new business and 3,000 private-sector jobs in the past 10 years—17 new businesses have been created as the result of CRADAs in the past 2 years alone.

Additionally, the bill extends the time that Federal labs have to reinvest royalty payments for scientific research and development at the labs. At a time when we are cutting the labs' budgets, we should allow them to benefit from the fruits of their labors.

The Federal labs are a national resource which should benefit all Americans. The labs have worked for the well-being of Americans since their earliest days and not only in terms of national security. It was in the early 1960's that a team of scientists and engineers from the Oak Ridge National Laboratory working with industry developed a machine and a process that have since been credited with saving millions of lives a year worldwide. In less than 1 year this private/public partnership developed a process and machine for isolating and purifying viruses to create vaccines—most notably to treat influenza.

The vaccines produced by this new process eliminated the sometimes severe side effects common with standard vaccines. Severe allergic reaction prevented the administration of the standard vaccine to the young and the old—the very people who needed it. The unique expertise of Oak Ridge scientists and engineers working with their colleagues in industry made this possible.

We should strengthen and build upon the 30-year tradition of cooperation between the national labs and industry. H.R. 2196 makes it easier for the Government and industry to work together—each contributing their respective strengths. We have invested billions of dollars in our research infrastructure and we shouldn't just rely on luck and hope that this investment will be fully utilized.

The bill provides needed incentives to promote public-private technology partnerships. H.R. 2196 deserves our support.

Mr. Speaker, I reserve the balance of my time.

Mrs. MORELLA. Mr. Speaker, I want to thank the gentleman from Tennessee [Mr. TANNER] for his comments and for his support. He does exemplify, as does the gentleman from California [Mr. BROWN], bipartisan cooperation on this bill and in other legislation that enhances our competitiveness.

Mr. Speaker, I yield 7 minutes to the gentleman from Minnesota [Mr. GUTKNECHT], a very distinguished member of the subcommittee.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentlewoman and the chairman for yielding time to me.

Mr. Speaker, I rise today in support of H.R. 2196 the National Technology Transfer and Advancement Act of 1995. This legislation will encourage the transfer of basic science and research information from the Federal laboratories to the private sector. This bill also makes important and necessary changes to the Fastener Quality Act.

These changes are of great importance to my constituents who are employed in the fastener industry. One of the fastest growing and best-run companies in the United States is based in Winona, Minnesota. The Fasten all Company is one of the dominant forces in the fastener industry.

Interestingly, Mr. Speaker, they would probably benefit, or probably do benefit, from some of the rules and regulations currently enacted, but they have told me that whether they benefit or not, it actually, in the long run, is bad for business and industry.

In 1990, the 101st Congress enacted the Fastener Quality act to answer concerns that counterfeit and substandard fasteners posed a threat to our national defense and our public safety. In most cases, counterfeit and substandard fasteners are two separate problems.

While well-meaning in nature, the original Fastener Quality Act required that fasteners be tested, inspected, and

certified by accredited laboratories before being distributed to the market. Fastener manufacturers were required to register their fastener headmarkings with the Patent and Trademark Office and keep certification of performance and a copy of the test report on file. These requirements are typical of unnecessary regulations which previous Congresses have dictated.

Today, we would be acting on the recommendations which have been made by the Fastener Advisory Committee, amending the Fastener Quality Act. The Fastener Advisory Committee, created by Congress, determined that the Fastener Quality Act will have an unintended detrimental impact on business. The Fastener Advisory committee reported that without these recommended changes, the cumulative burden of cost on the fastener industry could be close to \$1 billion for absolute compliance to the Fastener Quality Act.

The Committee has adopted recommendations in this legislation for amending the Fastener Quality Act that were submitted in March of 1992, and then again in February of 1995, to the Congress by the Fastener Advisory Committee.

□ 1815

Such recommendations were the result of nine public meetings by the Fastener Advisory Committee involving more than 2,000 pages of transcript documenting the need for the amendments. Subsequent to the recommendations to Congress, the National Institute of Standards and Technology [NIST] published proposed implementing regulations for public comment in August 1992. More than 300 letters were received from the public. Over 70 percent of the letters supported the recommendations of the Fastener Advisory Committee for amending the act.

I urge all members to support this important legislation.

Mrs. MORELLA. Mr. Speaker, will the gentleman yield?

Mr. GUTKNECHT. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. Mr. Speaker, the gentleman is correct regarding the great extent we have undertaken to work out these amendments with the fastener industry.

We listened to the Fastener Advisory Committee, its Fastener Public Law Task Force, and other representatives from the manufacturing, importing, and distribution sectors of the United States fastener industry in crafting these amendments to the Fastener Quality Act.

The task force represents 85 percent of all United States companies and their suppliers involved in the manufacture, distribution, and importation of fasteners and over 100,000 employees in all 50 States.

The section focuses mainly on mill heat certification, mixing of like-certified fasteners, and sale of fasteners with minor nonconformances. The act

will maintain safety, reduce the unnecessary burdens on industry, and ensure proper enforcement of the Fastener Quality Act.

In addition to the fastener provisions in the bill, I believe it is important to note the other major provisions in the act. These include some very important administrative and management changes to the National Institute of Standards and Technology (NIST), which include making permanent the NIST Personnel Demonstration Project.

This project has helped NIST recruit and retain the best and the brightest scientists to meet its scientific research and measurement standards mission.

Also, included in the act are provisions affecting the Federal involvement in the use of standards and its development. Standards play a crucial role in all facets of daily life and in the ability of the Nation to compete in the global marketplace.

The United States, unlike the federalized standards system of most other countries, relies heavily on a decentralized, private sector-based, voluntary consensus standards system.

This unique consensus-based voluntary system has served us well for over a century and has contributed significantly to United States competitiveness, health, public welfare, and safety.

Playing an important role in maintaining a future competitive edge is the ability to develop standards which match the speed of the rapidly changing technology of the marketplace.

The key challenge is to update domestic standards activities, in light of increased internationalization of commerce, and to reduce duplication and waste by effectively integrating the Federal Government and private sector resources in the voluntary consensus standards system, while protecting its industry-driven nature and the public good.

Better coordination of Federal standards activities is clearly crucial to this effort. These issues were raised by the National Research Council (NRC) in its March 1995, report entitled, "Standards, Conformity Assessment, and Trade in the 21st Century."

We have adopted some of the recommendations in the NRC report clarifying NIST's lead role in the implementation of a government-wide policy of phasing out the use of federally-developed standards, wherever possible, in favor of standards developed by private sector, consensus standards organizations. We also adopted the recommendation to codify the present requirements of OMB Circular A-119, which requires agencies, through OMB, to report annually to Congress on the reasons for deviating from voluntary consensus standards, when the head of the agency deems that prospective consensus standards are not appropriate to the agency needs.

Mr. Speaker, I thank the gentleman for yielding so that I could put into the

RECORD and explain the benefits of the statements that he made with regard to standards.

Mr. Speaker, I reserve the balance of my time.

Mr. TANNER. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON].

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, this is a good bill for many reasons. It will create more jobs, it will provide incentives for important scientific inventions, and it is going to make it easier to give or loan equipment to our schools, Federal equipment.

But it is also a bill that is important in another very important technological way, and that is for stimulating commercialization of the research being done in our national laboratories. I represent one of them, Los Alamos National Laboratory, and it is going to benefit enormously from this legislation.

What this bill also does, it extends the Federal charter and set-aside for the Federal Laboratory Consortium for Technology Transfer. This charter was created through the hard work of Dr. Eugene Stark at the Los Alamos Laboratory.

The set-aside has provided very stable annual funding to the consortium which has permitted technology transfer officers of the various laboratories to work together. The Federal Laboratory Consortium members are linked together electronically, which enables them to help businesses find out what other Federal laboratories have expertise in specific areas.

So my colleagues know, what we are trying to do is get the labs more into economic competitiveness, into commercialization, so that their science can be used commercially for the best economic interests of the country. For example, if an agriculturally oriented business in New Mexico or Tennessee went to the technology transfer officers at Los Alamos with a problem, Los Alamos would be able to find out if any of the laboratories in the Departments of Agriculture or Interior could have expertise that is useful to that company.

The bill also gives far better incentives to Federal inventors, who are an imperative necessity to our national security. Currently, inventors receive only 15 percent of the royalty stream from their inventions, meaning that most inventions have produced less than \$2,000 per year. By changing the calculation so that agencies pay inventors the first \$2,000 of the royalties received by the agency for the inventions, as well as 15 percent of the royalties above that amount, the bill provides incentives that these employees can use and give them more equitable compensation.

Finally, this bill clarifies that a Federal laboratory, agency, or department

may give, loan, or lease excess scientific equipment to public and private schools and nonprofit organizations without regard to Federal property disposal laws.

Therefore, if for instance Los Alamos or Sandia or any of our national labs wanted to donate unused equipment to a university, it would not have to go through the bureaucratic redtape that is now required. Some labs would rather store their unwanted equipment rather than going through the hassle of GSA disposal.

This is a good bill, especially a good bill to all of us who have Federal laboratories in our districts, and that is about 14 States around the country and approximately 130 Members of Congress have lab components in their districts. It advocates technology transfer, it creates incentives for Federal inventors, and it makes it easier to donate equipment to needy schools.

I want to commend the author of the bill, the gentleman from Tennessee [Mr. TANNER], I want to commend the gentlewoman from Maryland [Mrs. MORELLA], and I see the fingerprints of the gentleman from California [Mr. BROWN], the former Science chairman, all over this bill.

Mrs. MORELLA. Mr. Speaker, I include in the RECORD a letter dated December 12, 1995 to the gentleman from Pennsylvania [Mr. WALKER], the chairman of the Committee on Science, from the administration, Ron Brown, indicating the administration's support of the Fastener Quality Act as it is contained in H.R. 2196.

THE SECRETARY OF COMMERCE,  
Washington, DC, December 12, 1995.

Hon. ROBERT S. WALKER,  
Chairman, Committee on Science,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter seeking the Administration's position on the amendments to Public Law No. 101-592, the Fastener Quality Act, contained in H.R. 2196, The National Technology Transfer and Advancement Act of 1995. The Administration supports the amendments to the Fastener Quality Act included in H.R. 2196.

Again, thank you for your letter. Please let me know if you have any additional questions.

Sincerely,

RONALD H. BROWN.

Mr. Speaker, I reserve the balance of my time.

Mr. TANNER. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BROWN].

(Mr. BROWN of California asked and was given permission to revise and extend his remarks.)

Mr. BROWN of California. I thank the gentleman for yielding me this time. I would like to engage in a colloquy with the Congresswoman from Maryland [Mrs. MORELLA]. It will cover some of the subjects she has already spoken eloquently about.

There has been concern expressed in parts of the executive branch regarding section 12(d) of this bill which is our committee's codification of OMB Circular A-119 which the gentlewoman has

referred to. I would like to be reassured that the Congresswoman's understanding is consistent with my understanding of the scope of Section 12(d).

First, the term "voluntary, private sector, consensus standards bodies" is used throughout the section but is not defined. I assume that the voluntary consensus standards bodies referred to in this section are our nation's standards development organizations such as the American Society for Testing and Materials, the American Society of Mechanical Engineers, the American Petroleum Institute, and the Society of Automotive Engineers and the umbrella organization, the American National Standards Institute.

Mrs. MORELLA. Mr. Speaker, if the gentleman would yield, he is correct. We used voluntary consensus standards in the same manner that it would be used in the engineering and standards communities when they talk about technical, mechanical, or engineering standards. The private sector consensus standards bodies covered by the act are engineering societies and trade associations as well as organizations whose primary purpose is development or promotion of standards. The standards they develop are the common language of measurement, used to promote interoperability and ease of communications in commerce. We meant to cover only those standards which are developed through an open process in which all parties and experts have ample opportunity to participate in developing the consensus embodied in that standard. Our use of the term "private sector" is meant to indicate that these standards are developed by umbrella organizations located in the private sector rather than to preclude government involvement in standards development. In fact, it is my hope that this section will help convince the Federal Government to participate more fully in these organizations' standards developing activities to increase the likelihood that the standards can meet public sector as well as private sector needs.

Mr. BROWN of California. I would assume from your comments that you would expect a rule of reason to prevail in the implementation of this section and that new bureaucratic procedures would be inconsistent with the intent of this section.

Mrs. MORELLA. If the gentleman would yield further, that was our intent in beginning the section with the words "To the extent practicable". For instance, we would expect Government procurements of off-the-shelf commercial products or commodities to be exempted by regulation from any review under the act. We also do not intend through this section to limit the right of the Government to write specifications for what it needs to purchase. Our focus instead is on making sure the Federal Government does not reinvent the wheel. We are merely asking Federal agencies to make all reasonable efforts to use voluntary, private sector,

consensus standards unless there is a significant reason not to do so when developing regulations or describing systems, equipment, components, commodities, and other items for procurement. We expect Government specifications to use the private sector's standards language rather than unique government standards whenever practicable to do so. However, as under OMB Circular A-119, agencies would still have broad discretion to decline to use a voluntary standard if the agency formally determined that the standard was inadequate for government, did not meet statutory criteria, or was otherwise inappropriate.

Mr. BROWN of California. I thank the gentlewoman for her clarification. I agree with the gentleman and thank her for her explanations. I hope that they will assist in the interpretation of the meaning of the language of the bill.

□ 1830

Mr. Speaker, with the permission of the gentleman from Tennessee, I would like to make a few concluding remarks with regard to my general support of the legislation.

I do rise in support of H.R. 2196, the Technology Transfer and Advancement Act of 1995, a bill which does make significant incremental steps in the proper direction in Federal technology and laboratory policies. Previous speakers have indicated the importance of the Federal laboratories as a part of the Nation's scientific and technological infrastructure, and I would like to reinforce those statements in every way that I can.

I would like to also mention again, because the gentlewoman from Maryland has already mentioned it, that there is nothing in this bill more important than the provision which makes the personnel system at the National Institutes of Standards and Technology permanent. A decade has now passed since the Packard committee recommendations on civil service reform for scientists and engineers were presented to the Congress. This is a report worth dusting off and reading anew.

Then science committee chairman Don Fuqua pushed related legislation which resulted in a personnel experiment at NIST. For 8 years NIST has thrived under a merit-based clone of progressive private sector personnel systems, and the results are obvious, they are impressive, and they are cheaper than the old way of doing business.

One of the lesser known and least controversial provisions of last year's competitive legislation was our attempt to make the NIST experimental personnel system its permanent one.

I am happy the committee has seen fit to report our provisions unchanged because it is exactly what NIST needs to continue to attract its fair share of the best and the brightest, and I want to particularly commend the chair-

woman of this subcommittee for persevering in getting through the enactment of this very important piece of our bills.

I am also pleased with the standards provisions in the bill, and I will abbreviate my remarks on that somewhat. But it will do a great deal in rationalizing the procurement of all Federal Government needs, particularly in the Defense Department.

The legislation also makes changes that will be beneficial to NIST, to other Federal labs and to the Federal laboratory consortium, some which have been mentioned by both the gentlewoman from Maryland [Mrs. MORELLA] and the gentleman from New Mexico [Mr. RICHARDSON].

I do have some reservations about the process really which led to the inclusion of the Fastener Quality Act amendments in this bill. I do believe that the Fastener Quality Act does need some improvements. This bill provides it, but I was not happy with the process with which this was done. I have criticized this before. I will not belabor it. We have brought this same language to the floor several times. It was defective each time because there was not a process of committee hearings and review which would have corrected some of the problems.

I think, but I am still not sure, that all the problems have been corrected. I sincerely trust this is the case because I know the importance of having a good set of rules on the books to deal with this very important problem.

Having said this mild criticism, I want to make it clear the bill is well worth voting for in almost all respects, statutory proof that the two parties can work closely together on important legislation and, when they do so, as in the present case, the American people emerge the winners.

Mr. Speaker, I rise in support of H.R. 2196, the Technology Transfer and Advancement Act of 1995, a bill which makes significant incremental steps in the proper direction in Federal technology and laboratory policy.

I consider nothing in the bill more important than the provision which makes the personnel system at the National Institute of Standards and Technology permanent. A decade has now passed since David Packard's recommendations on civil service reform for scientists and engineers were presented to the Congress. This is a report worth dusting off and reading anew. Then Science Committee Chairman Don Fuqua pushed related legislation which resulted in a personnel experiment at NIST. For 8 years NIST has thrived under a merit-based clone of progressive private sector personnel systems and the results are obvious, impressive, and cheaper than the old way of doing business. One of the lesser known and least controversial provisions of last year's competitiveness legislation was our attempt to make the NIST experimental personnel system, its permanent one. I am happy that the Committee has seen fit to report our provision unchanged because it is exactly what NIST needs to continue to attract its fair share of the best and the brightest.

I am also pleased with the standards provisions contained in this bill. One of Secretary of

Defense Perry's biggest achievements is his replacement of most of his Department's military specifications with private sector standards. This action may have put a bigger dent to government waste than any other during my tenure in Washington. It is also one of the biggest victories of common sense over business as usual. Why should the government spend the money to design, test, and procure unique parts and equipment in instances where it can be shown equally good ones have stood the test of the commercial marketplace. What Secretary Perry did was reverse the burden of proof. Anyone who wants to develop a standard or a specification now has to justify why private sector standards won't solve the problem. This bill extends the Perry philosophy to all government regulatory and procurement standards using agency heads, OMB, and NIST as those who must be convinced that a problem is so unique that the private sector does not have a solution. This is a problem that our committee worked on during my entire tenure as chairman and I am happy that our current majority leadership is taking our work a step forward.

This legislation also makes changes that will be beneficial to NIST, to the Federal labs, and to the Federal laboratory consortium. Some came from last Congress' Morella-Rockefeller legislation; some came from our competitiveness bill. All are non-controversial and welcome changes.

There is only one cloud on the horizon—one set of actions which cause me to qualify my endorsement of this legislation ever so slightly. This is the unfortunate way in which the complicated issue of the Fastener Quality Act Amendments has been handled which I might say stands in contrast to the care with which the rest of the bill was handled. I regret that the committee did not see fit to hold hearings or publicly seek advice on these complicated changes to a rather important piece of public health and safety legislation. I expect if we had set up hearings and carefully listened to all sides on this issue that we would have ended up with a stronger bill and without the embarrassment of having to make technical changes on the floor, in the committee, and then on the floor again.

That said, I want to make it clear that HR 2196 in my opinion is a bill well worth voting for and in almost all respects statutory proof that the two parties can work closely together on important legislation and when they do so, as in this case, the American people emerge the winners.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

I have no one else who wishes to speak on this bill, but again I want to reiterate what the gentleman from California [Mr. BROWN] said and the gentleman from Tennessee [Mr. TANNER] had said before in the fact that this is an excellent example of bipartisan working together in the best interests of our country and our national competitiveness.

I urge all of my colleagues to support this important bill to enhance our competitiveness.

Mr. WALKER. Mr. Speaker, I commend the gentlelady from Maryland for her leadership in bringing H.R. 2196, the National Technology Transfer and Advancement Act of 1995, to the floor.

As chair of the Science Committee, I am proud of the committee's rich tradition of promoting technology transfer from our Federal laboratories. Beginning with the Stevenson-Wydler Technology Innovation Act of 1980, the Science Committee has originated legislation which has stimulated and increased the quality of technology in the United States.

The Stevenson-Wydler Act required Federal laboratories to take an active role in technical cooperation and established technology transfer offices at all major Federal laboratories. The landmark Stevenson-Wydler Act legislation was expanded considerably by the Federal Technology Transfer Act of 1986, which allowed a government-owned, government-operated [GOGO] laboratory staffed by Federal employees to enter into a Cooperative Research and Development Agreement [CRADA] with industry, universities, and others. The National Competitiveness Technology Transfer Act of 1989 extended the CRADA authority to a government-owned, contractor-operated [GOCO] laboratory such as the Department of Energy laboratories.

These acts have permitted the private sector to develop cooperative research and development agreements [CRADA] with our Federal laboratories, thereby providing them access to the expertise of the engineers, scientists, and facility resources of our national labs. In a CRADA, the laboratories can contribute people, facilities, equipment, and ideas, but not funding, while the private sector companies contribute people and funding.

H.R. 2196 provides guidelines that simplify the negotiation of a CRADA—addressing a major concern of private sector companies—and, in the process, gives companies greater assurance they will share in the benefits of the research they fund.

As a result, the act will reduce the time and effort required to develop a CRADA, reduce the uncertainty that can deter companies from working with the Government, and thus speed the transfer and commercialization of laboratory technology to the American public. The act is an important step toward making our Government's huge investment in science and technology—made primarily to carry out important Government missions—more useful to interested commercial companies and our economy.

By rethinking and improving the method our Government conducts its business, without the need to invoke new spending authority, H.R. 2196 signals a new approach to government technology policy legislation.

I am also very pleased that H.R. 2196 includes amendments to the Fastener Quality Act. These amendments are very important to the fastener industry and the need to include these changes to the current act is clear. When this committee marked up the Fastener Quality Act in 1991, I attached an amendment to form the Fastener Advisory Committee. This committee was to determine if the act would have a detrimental impact on business. The Fastener Advisory Committee reported that without their recommended changes the burden of cost would be close to \$1 billion on the fastener industry.

We attempted in the last Congress to amend the law, but unfortunately, were not successful. We had language pass the House and the Senate; however, the language died in conference.

The act addresses the concerns of the Fastener Advisory Committee regarding mill heat

certification, mixing of like certified fasteners, and sale of minor non-conformances.

Working with this Congress and NIST, the Fastener Public Law Task Force, comprised of members from manufacturing, importing, and distributing, has worked to improve the law while maintaining safety and quality. The Public Law Task Force represents 85 percent of all companies involved in the manufacture, distribution, and importation, of fasteners and their suppliers in the United States.

Combined, the task force represents over 100,000 employees in all 50 States. We have worked with both sides of the aisle, the administration, manufacturers, distributors, and importers to reach this solution and I support the changes to the Fastener Quality Act.

I also support the provisions in the act which relate to standards conformity. The act restates existing authorities for National Institute of Standards and Technology [NIST] activities in standards and conformity assessment and requires NIST to coordinate among Federal agencies, survey existing State and Federal practices, and report back to Congress on recommendations for improvements in these activities.

In addition, the act codifies, OMB circular A-119 requiring Federal agencies to adopt and use standards developed by voluntary consensus standards bodies and to work closely with those organizations to ensure that the developed standards are consistent with agency needs. These provisions are very important since they will have the effect of assisting agencies in focusing their attention on the need to work with private sector, voluntary consensus standards bodies.

As an original cosponsor, I urge support for the passage of H.R. 2196, the National Technology Transfer and Advancement Act.

Mr. DINGELL. Mr. Speaker, the bill being considered today includes numerous amendments to the Fastener Quality Act.

The Committee on Energy and Commerce's Subcommittee on Oversight and Investigations conducted a multiyear, in-depth investigation of counterfeit and substandard fasteners that ultimately led to the enactment of the Fastener Quality Act on November 16, 1990. Unfortunately, the regulations implementing the law have not yet been issued by the National Institute on Standards and Technology [NIST] and are now more than 4 years overdue.

During the last Congress, as part of the National Competitiveness Act, amendments to the Fastener Quality Act were passed by the House. The amendments adopted related to heat mill certification and minor nonconformance. In its bill, the Senate included the same amendments, plus an additional amendment that would have permitted commingling at all levels of the industry—from manufacturing through distribution. I, as well as the administration, opposed this amendment because it would seriously undermine safety and accountability under the law. Because efforts to pass the underlying bill were unsuccessful, the fastener amendments were not enacted into law and NIST has made no effort to issue the long overdue implementing regulations.

The bill before us includes amendments on heat mill certification, minor nonconformance, commingling, as well as other amendments. The commingling amendment appears to be more limited in scope than the previous Senate provision and allows purchasers to request

lot traceability. There are additional amendments to the Fastener Quality Act that also appear in the bill. To my knowledge, no hearings have been held on these amendments by any congressional committee nor has any adequate explanation or justification been advanced for these provisions, other than that certain fastener industry interests support them.

I note that Chairman BLILEY recently wrote Chairman WALKER, making it clear that the Commerce Committee has not waived its jurisdictional concerns about the legislation and requesting that members of the Commerce Committee be named as equal conferees on fastener provisions in any ensuing House-Senate conference. I wish to express my support for Chairman BLILEY's request and trust that we will be able to have an opportunity to participate fully in any conference on these issues of great importance to public safety.

Mr. OXLEY. Mr. Speaker, I rise to address the amendments to the Fastener Quality Act which are in H.R. 2196.

The Fastener Quality Act is the result of a 4-year-long study by the Oversight and Investigations Subcommittee of the Committee on Commerce. The statute requires testing and labeling procedures for certain grades of bolts and fasteners subject to high degrees of stress, such as in military and aerospace applications. The requirements of the Fastener Quality Act were designed to prevent the use of substandard bolts in applications where, if they were to fail, death or injury could occur.

The Commerce Committee and the Science Committee have a long history of working together on this act. After the Commerce Committee Oversight and Investigations Subcommittee investigation, our committees worked together to secure passage of this legislation in the 101st Congress and the amendments to the Fastener Act contained in this legislation.

Mr. Speaker, the amendments to the Fastener Quality Act included in this legislation are almost identical to those passed by the House in H.R. 2405 earlier this year. These amendments simply restore the original intent of the Fastener Quality Act. Additionally, they provide for notice and comment on the appropriate threshold standard to assess a significant alteration with respect to the electroplating of fasteners. The Committee on Commerce has no objection to these amendments and urges their adoption.

Mrs. MORELLA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TANNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland [Mrs. MORELLA] that the House suspend the rules and pass the bill, H.R. 2196, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2196, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTION TO DISPOSE OF REMAINING SENATE AMENDMENT TO H.R. 1868, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996

Mr. GOSS, from the Committee on Appropriations, submitted a privileged report (Rept. No. 104-399) on the resolution (H.R. 296) providing for consideration of a motion to dispose of the remaining Senate amendment to the bill (H.R. 1858) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### WAIVING A REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104-400) on the resolution (H. Res. 297) waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### VETERANS HOUSING, EMPLOYMENT PROGRAMS, AND EMPLOYMENT RIGHTS BENEFITS ACT OF 1995

Mr. STUMP. Mr. Speaker, I move the House suspend the rules and pass the bill (H.R. 2289) to amend title 38, United States Code, to extend permanently certain housing programs, to improve the veterans employment and training system, and to make clarifying and technical amendments to further clarify the employment and reemployment rights and responsibilities of members of the uniformed services, as well as those of the employer community, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2289

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Housing, Employment Programs, and Employment Rights Benefits Act of 1995".

#### SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

#### TITLE I—VETERANS' HOUSING PROGRAMS

##### SEC. 101. EXTENSIONS OF CERTAIN VETERANS' HOUSING PROGRAMS.

(a) NEGOTIATED INTEREST RATES.—Paragraph (4) of section 3703(c) is amended by striking out subparagraph (D).

(b) ENERGY EFFICIENT MORTGAGES.—Section 3710(d) is amended—

(1) in paragraph (1), by striking out "to demonstrate the feasibility of guaranteeing" and inserting in lieu thereof "to guarantee"; and

(2) by striking out paragraph (7).

(c) ENHANCED LOAN ASSET SALE AUTHORITY.—Section 3720(h)(2) is amended by striking out "1995" and inserting in lieu thereof "2000".

(d) AUTHORITY OF LENDERS OF AUTOMATICALLY GUARANTEED LOANS TO REVIEW APPRAISALS.—Section 3731(f) is amended by striking out paragraphs (3), (4), and (5).

(e) HOUSING ASSISTANCE FOR HOMELESS VETERANS.—Section 3735 is amended by striking out subsection (c).

##### SEC. 102. CODIFICATION OF REPORTING REQUIREMENTS AND CHANGES IN THEIR FREQUENCY.

(a) CODIFICATION OF HOUSING RELATED REPORTING REQUIREMENTS.—(1) Chapter 37 is amended by adding after section 3735 the following new section:

#### "§ 3736. Reporting requirements

The annual report required by section 529 of this title shall include a discussion of the activities under this chapter. Beginning with the report submitted at the close of fiscal year 1996, and every second year thereafter, this discussion shall include information regarding the following:

"(1) Loans made to veterans whose only qualifying service was in the Selected Reserve.

"(2) Interest rates and discount points which were negotiated between the lender and the veteran pursuant to section 3703(c)(4)(A)(i) of this title.

"(3) The determination of reasonable value by lenders pursuant to section 3731(f) of this title.

"(4) Loans that include funds for energy efficiency improvements pursuant to section 3710(a)(10) of this title.

"(5) Direct loans to Native American veterans made pursuant to subchapter V of this chapter."

(2) The table of sections at the beginning of chapter 37 is amended by inserting after the item relating to section 3735 the following new item:

"3736. Reporting requirements."

(b) REPEAL OF SUPERSEDED REPORTING REQUIREMENTS.—The Veterans Home Loan Program Amendments of 1992 (Public Law 102-547; 106 Stat. 3633) is amended by striking out sections 2(c), 3(b), 8(d), 9(c), and 10(b).

##### SEC. 103. JOB PLACEMENT FOR HOMELESS VETERANS.

(a) HOMELESS VETERANS EMPLOYMENT PROGRAM.—Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1)) is amended—

(1) in subparagraph (A), by striking out "1993" and inserting in lieu thereof "1996";

(2) in subparagraph (B)—

(A) by striking out "\$12,000,000" and inserting in lieu thereof "\$10,000,000", and

(B) by striking out "1994" and inserting in lieu thereof "1997"; and