

Science, for crafting legislation that will ensure the preservation and security of the national aerospace system as we work to meet the increased air traffic demands that are expected in the next century.

H.R. 1271 was favorably reported out of the Committee on Science, as was the open rule by the Committee on Rules. I urge my colleagues to support the rule so that we may proceed with general debate in consideration of the merits of this very important bill.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in support of this open rule and I rise in support of H.R. 1271, the Federal Aviation Administration Research, Engineering and Development Authorization.

Madam Speaker, the Committee on Science is to be commended for sending this legislation to the full House for its consideration. This bill, along with the others the House will consider today, are examples of what can happen when a committee sits down to do its work and includes all of its members, majority as well as minority, in its deliberations. Reauthorization of the research and engineering activities of the Federal Aviation Administration is an important matter to all Americans and especially to the flying public.

This legislation enhances the activities of the FAA in four important areas: Capacity and air traffic management, weather, environment and energy, and innovation and cooperative research. The Science Committee has recommended funding priorities for the FAA in the next 2 fiscal years, and the open rule recommended by the Committee on Rules will allow the House to fully debate these priorities and the appropriate levels of funding.

Madam Speaker, this legislation reflects what the real work of the Congress is all about: Taking care of the Nation's business. H.R. 1271 is not a bill which will grab headlines or make bold political statements. Instead, it is legislation which reviews and renews the activities of the Federal Government, upon which the people of this country depend to ensure their safety.

The committee system has been used to its best advantage because of the cooperative spirit demonstrated by the gentleman from Wisconsin [Mr. SENSENBRENNER], the chairman, and by the gentleman from California [Mr. BROWN], his ranking member. I commend them as well as the other members of the Committee on Science.

□ 1100

Mr. FROST. Madam Speaker, I yield back the balance of my time.

Mr. LINDER. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1031

Mr. FROST. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1031.

The SPEAKER pro tempore [Mrs. MORELLA]. Is there objection to the request of the gentleman from Texas?

There was no objection.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY AUTHORIZATION ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 127 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1274.

□ 1101

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1274) to authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, and for other purposes, with Mr. DUNCAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from Tennessee [Mr. GORDON] each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. SENSENBRENNER. Mr. Chairman, I rise today to present H.R. 1274, the National Institute of Standards and Technology Authorization Act of 1997.

I would like to thank and congratulate the subcommittee chairwoman, the gentlewoman from Maryland [Mrs. MORELLA] and the ranking member, the gentleman from Tennessee [Mr. GORDON] for crafting such a fine bill.

H.R. 1274 authorizes all the programs under the Technology Administration in the Department of Commerce that require appropriations for fiscal years 1998 and 1999. The Technology Administration includes the Office of the Under Secretary and the Office of Technology Policy in NIST, which is responsible for the vast majority of programs that make up the Technology Administration.

Mr. Chairman, H.R. 1274 is a fiscally responsible bill. It authorizes \$609 million for fiscal 1998, a decrease of over \$92 million, or 13 percent from the administration's request.

In fiscal year 1999 the bill authorizes a total of \$628 million, again \$116 mil-

lion or 16 percent below the administration's projected budget.

While spending less than the administration requested, the bill manages to do more. In authorizing NIST programs, the bill prioritizes funding for NIST laboratory functions, increasing their funding by 5 percent for fiscal 1998 and 3 percent for fiscal 1999, while reducing funding for lower priority programs such as the advanced technology program, and providing no funding for new administration initiatives such as the experimental program to stimulate competitive technology, or EPSCOT, for short.

Specifically, the bill authorizes \$278.6 million for NIST laboratory activities in fiscal 1998 and \$286.9 million in fiscal 1999. The NIST laboratories have been called the crown jewel of the Technology Administration, and H.R. 1274 will help ensure that they have sufficient funding to continue their vital work of safeguarding the accuracy of standards necessary for domestic and international commerce.

H.R. 1274 includes \$117.8 million for the manufacturing extension program in fiscal 1998 and \$111.3 million in fiscal 1999. These totals will allow for full funding of all 75 existing MEP centers and will cover the administrative costs associated with running the program.

The bill also reforms and authorizes reduced funding for ATP in fiscal 1998 and fiscal 1999. ATP is authorized at \$185 million in 1998 and \$150 million in fiscal 1999. These levels represent decreases of \$40 million and \$75 million, respectively, from the fiscal year 1997 appropriated total of \$225 million. The bill further reforms the program's match requirements, requiring a 60 percent match from all joint venture grant recipients and non-small business single awardees.

To ensure that ATP grants are not simply displacing private capital, the bill also contains language requiring a review of ATP applications to ensure that an ATP grant is actually required in order to enable the project to go forward.

Finally, the bill authorizes funding for NIST critical maintenance and construction needs for fiscal 1998 and fiscal 1999. In order to ensure that construction funding is used in the most appropriate manner, H.R. 1274 includes a certification requirement precluding the Department from obligating any money to new construction unless it meets the requirements of NIST's new facilities plan.

Accordingly, the authorization language includes provisions to reduce scientific research earmarks, to require the Committee on Science to receive notice of any reprogramming of NIST funds, and to express the sense of Congress that NIST should address the year 2000 computer date field program.

Mr. Chairman, H.R. 1274 is a sound bill. It is fiscally responsible, and will help ensure that NIST programs, which

are some of our Nation's most important technology research and development programs, receive the funding they require during the next 2 fiscal years.

I encourage all my colleagues to join me in supporting the National Institute of Science and Technology Authorization Act of 1997.

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

Mr. GORDON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1274, the National Institute of Standards and Technology Authorization Act of 1997. This bill authorizes all the programs in the Technology Administration, including the programs of the National Institute of Standards and Technology.

H.R. 1274 represents bipartisan agreement on a sensible U.S. science and technology policy. As Chairman SENSENBRENNER stated, the bill before us today represents a number of changes to H.R. 1274 as introduced. I want to thank the chairman, the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentlewoman from Maryland [Mrs. MORELLA] for working with us to resolve some of our concerns.

My remaining reservation about H.R. 1274 centers around the funding level for the Advanced Technology Program. The funding level allows only for a modest number of new awards to be made in 1998, and allows for no new awards in 1999. Both authorization levels represent significant cuts below the fiscal year 1996 and fiscal year 1997 appropriated levels. One of the criticisms of the ATP has been the lack of thorough evaluation of the program. I would like to point out that this is a relatively new program, and only 42 projects have been completed.

In addition, the ATP has not had stable funding. As a result, we do not have the hard data needed to evaluate this program objectively and rationally.

With this reservation, I support H.R. 1274, which moves overall U.S. policy in the right direction. I urge my colleagues to support this bill, as well.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maryland [Mrs. MORELLA], who is the chair of the subcommittee.

Mrs. MORELLA. Mr. Chairman, I thank the chairman of the full Committee on Science for yielding the time to me, and for the leadership that he has shown and that the gentleman from California [Mr. BROWN] as ranking member has shown on that committee.

I rise today in support of H.R. 1274, the National Institute of Standards and Technology Authorization Act of 1997, legislation that I introduced on April 10 of this year. The bill is, as has been mentioned, truly bipartisan. It has been cosponsored by the gentleman from California [Mr. BROWN], the gentleman from Tennessee [Mr. GORDON],

the ranking members of both the full committee and the Subcommittee on Technology, as well as the gentleman from Michigan [Mr. EHLERS], the gentleman from Virginia [Mr. DAVIS], and the gentlewoman from Texas [Ms. JACKSON-LEE], all distinguished members of the Committee on Science.

NIST is the Nation's oldest Federal laboratory. It was established by Congress in 1901 as the National Bureau of Standards, and subsequently renamed NIST.

As a part of the Department of Commerce, NIST's mission is to promote economic growth by working with industry to develop and apply technology, measurements and standards. As the Nation's arbiter of standards, NIST enables our Nation's businesses to engage each other in commerce and participate in the global marketplace.

The precise measurements required for establishing standards associated with today's increasingly complex technologies require NIST's laboratories to maintain the most sophisticated equipment and the most talented scientists in the world. To date, NIST has succeeded, and the science conducted by the Institute is a vital component of the Nation's civilian research and technology development base.

H.R. 1274 authorizes \$609 million for fiscal year 1998 and \$628 million for fiscal year 1999 for the Technology Administration. NIST's programs account for all but \$7 million of that total in fiscal year 1998.

The care of NIST's functions are conducted by NIST's laboratories. The bill prioritizes these functions, increasing their funding by 5 percent in fiscal year 1998 and 3 percent in fiscal year 1999. The increases will ensure that the laboratories have sufficient funding to maintain the high quality of their work, while expanding their services in three areas.

First of all, the bill includes a \$2.5 million increase in the 1998 budget from the levels recommended by the administration for the physics program to support reengineering measurement services to simplify the delivery of measurement assurance at the point of use. This initiative should increase the accuracy and lower the cost of calibration for the end users of NIST standards.

Second, H.R. 1274 authorizes an additional \$4 million for fiscal year 1998 for the Computer Science and Applied Mathematics Program to augment NIST work in the field of computer security. The increase is intended to enable NIST, through its programs, to improve computer security throughout the Federal Government.

Third, the bill includes a half million dollar increase in fiscal year 1998 from the levels recommended by the administration for the Technical Assistance Program to support improving measurement standards to facilitate international trade and provide additional funding to implement the National Technology Transfer and Advancement Act of 1995.

H.R. 1274 also authorizes funding for NIST's most critical maintenance and construction needs. The bill includes \$16.7 million in fiscal year 1998 and \$67 million in fiscal year 1999 for construction and maintenance of NIST facilities.

The funding is sufficient to cover the administration's request for maintenance in fiscal year 1998 and fiscal year 1999, and it includes \$50 million in fiscal year 1999 for NIST's top new facility priority, the Advanced Metrology Laboratory. In order to ensure that the construction funding is used in the most appropriate fashion, H.R. 1274 includes the certification requirement precluding the Department from obligating any money to new construction unless it meets the requirements of NIST's new facilities plan.

In order to help offset these increase, the bill reduces funding for lower-priority programs at NIST, and in the Technology Administration.

Therefore, the bill includes a reduction of \$40 million and \$75 million to the Advanced Technology Program in fiscal years 1998 and 1999, respectively. While I support the ATP program, I believe H.R. 1274's authorizations of \$185 million in fiscal year 1998 and \$150 million in fiscal year 1999 are sufficient for the program.

H.R. 1274 also does not authorize funding for the \$1.7 million Experimental Program to Stimulate Competitive Technology, called EPSCOT, and the \$350,000 program in support of the administration's foreign policy.

Along with funding NIST's laboratories, H.R. 1274 also authorizes full funding of all 75 existing Manufacturing Extension Partnership Centers and the administrative costs that are associated with running the program for the next 2 years.

The bill also authorizes \$4.1 million in fiscal year 1998 and \$5.3 million in fiscal year 1999 for the Malcolm Baldrige National Quality Program. These totals will allow for the program's expansion into education and health care over the next 2 years.

Finally, the bill contains a number of good Government provisions, including a sense of Congress on the year 2000 computer problem. As a strong proponent of addressing this impending crisis, I am pleased that this provision has not only been included in the NIST authorization bill, but all of the Committee on Science's authorizations.

I am hopeful that with continued pressure from the Committee on Science and from Congress, the administration will fix the problem before it is too late.

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Mr. Chairman, H.R. 1274 is both fiscally responsible and scientifically sound. It will help NIST remain the world's foremost scientific research institution for the establishment of standards and the development of new technologies.

I encourage all my colleagues to join me in supporting the National Institute of Standards and Technology Authorization Act of 1997.

Again, my appreciation to the chairman of the full committee, the gentleman from Wisconsin [Mr. SENSENBRENNER], and the ranking member, the gentleman from California [Mr. BROWN], my ranking member, the gentleman from Tennessee [Mr. GORDON] of the Subcommittee on Technology and the members.

I also want to offer accolades to the staff who worked very hard on this inch by inch: on our side, Richard Russell and Ben Wu; on the minority side, Mike Quear and Jim Turner.

Mr. GORDON. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BROWN], ranking member on the Committee on Science.

Mr. BROWN of California. Mr. Chairman, I thank the ranking minority member of the subcommittee, the gentleman from Tennessee [Mr. GORDON], for yielding me this time.

I rise in support of H.R. 1274. I support most of the funding provisions, although I have a few reservations which the subcommittee ranking member has pointed out.

Many of our concerns were resolved in the manager's amendment offered during the markup and the committee adopted an amendment, the Boehlert-McHale amendment, which lifts the 6-year cap on Federal support for manufacturing extension partnership centers, which helps to assuage some of my problems with the bill.

There are a few additional matters which we hope to continue to work with the majority on during the further progress of the bill. I am confident that I can safely urge my colleagues to support the bill.

In conclusion, let me add a word about the legislative progress of this bill. Most of my colleagues will not recall, but we had some problems with this bill last year. I remember them very vividly because they represented a situation which I felt both the process and the results were wrong.

I only make this statement, not to rehash the past, but to point out the marked difference in process and content this year and to praise the chairman of the full committee, the gentleman from Wisconsin [Mr. SENSENBRENNER] for his spirit of cooperation with the minority, his evenhanded management of the committee, and for all of his other many good traits which I really never suspected until I saw him in action as chairman during the course of these last few months.

It has been a pleasure to work with him. I look forward to continuing the cooperative relationship that we have had and to continue to produce the good work which I know our committee is capable of doing.

Mr. COOK. Mr. Chairman, thank you for this opportunity to share my concerns about the Advanced Technology Program. First, let me

say I am a strong believer in research and development. My own explosives manufacturing business stems from my father's research into ammonium nitrate. After considerable research and development of new, safe, low-cost explosives, two successful companies were founded that to this day provide hundreds of jobs to people in Utah and other States.

Research and development is the backbone of competitive enterprise. But I do not believe that the Advanced Technology Program is the best way to encourage corporate research and development. This program has some troubling flaws. I think it would be irresponsible to give \$40 million more to a program that has the problems ATP has.

Let me give you an example of one problem. ATP is designed to fund long-term, high-risk programs that would not be funded by the private sector. To qualify, applicants must assure the Government that they could not get funding anywhere but from the ATP. They make that assurance in writing. Yet, a recent poll by the General Accounting Office of those who received ATP funding showed that fully half acknowledged they could have obtained funding somewhere else or would have gone ahead with their research without outside funding.

That tells us the money isn't going to the projects ATP was designed to fund: Research projects that would never be done if it wasn't for ATP.

That's a serious problem. Now, the Democrats want to toss another \$40 million of taxpayers' hard earned money into this program without correcting that flaw. President Clinton would like to go farther, throwing another \$275 million into the ATP in the next 4 years, more than doubling the size of the program.

Ladies and gentlemen, this is nothing more than corporate welfare. And not even very efficient corporate welfare, since apparently half of the companies that have received money from ATP could have gotten the money privately. That means tens of millions of taxpayer dollars—maybe hundreds of millions of dollars—that could have been spent to build roads and improve our schools, or reduce our Federal deficit was spent to assist companies that apparently didn't need governmental assistance. If we are serious about getting Federal spending under control, that thought should be deeply troubling to each of us.

This amendment is the very thing American taxpayers are sick of. The lavish, reckless corporate welfare of this amendment is the kind of excess that appalls and angers our constituents. This program has already grown 2,150 percent in just 7 years. And now the Democrats want to fatten it even more. If President Clinton gets his way, by 2002, funding for the ATP will be 5,000 percent greater than it was in 1990. In 1990, Congress gave it \$10 million. By 2002, President Clinton wants it to receive half a billion dollars. If that isn't an example of the runaway Federal program frightened Americans talk about, I don't know what is.

What shocks me most is that this amendment would pour tens of millions more into it and President Clinton and the Democrats want to pour hundreds of millions more dollars into a program that has not, from 1990 to today, been able to spend all of the money it has been given. As a fiscal conservative, that stuns me. In 1990, ATP carried over \$9.3 million of the \$10 million it was given. Those

carryovers have swollen year to year. Last year, ATP carried over \$168 million. And now we want to give ATP \$40 million more?

Ladies and gentlemen, when some politicians tell me we can't balance our Federal budget, I want to point to programs like ATP.

If we want to get our Federal spending under control, let's start here. If we have any regard at all for how hard our constituents work for their money, we can't throw \$40 million more of their hard-won dollars away on this program. If we are serious about getting a bloated Federal budget under control, we will reject this amendment. Mr. Chairman, I yield back the remainder of my time.

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

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment. Pursuant to the rule, each section is considered as having been read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has preprinted in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

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 Institute of Standards and Technology Authorization Act of 1997".

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES.

(a) LABORATORY ACTIVITIES.—There are authorized to be appropriated to the Secretary of Commerce for the Scientific and Technical Research and Services laboratory activities of the National Institute of Standards and Technology—

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

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

(B) \$18,925,000 shall be for Manufacturing Engineering;

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

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

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

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

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

(H) \$19,376,000 shall be for Technical Assistance; and

(I) \$28,604,000 shall be for Research Support; and

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

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

(B) \$19,492,750 shall be for Manufacturing Engineering;

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

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

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

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

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

(H) \$19,957,280 shall be for Technical Assistance; and

(I) \$29,462,120 shall be for Research Support.

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

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

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

(c) CONSTRUCTION AND MAINTENANCE.—(1) There are authorized to be appropriated to the Secretary of Commerce for construction and maintenance of facilities of the National Institute of Standards and Technology—

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

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

(2) None of the funds authorized by paragraph (1)(B) for construction of facilities may be obligated unless the Secretary of Commerce has certified to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the obligation of funds is consistent with a plan for meeting the facilities needs of the National Institute of Standards and Technology that the Secretary has transmitted to those committees.

The CHAIRMAN. Are there any amendments to section 2?

The Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR THE OFFICE OF THE UNDER SECRETARY FOR TECHNOLOGY.

There are authorized to be appropriated to the Secretary of Commerce for the activities of the Under Secretary for Technology and the Office of Technology Policy—

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

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

The CHAIRMAN. Are there any amendments to section 3?

The Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR INDUSTRY TECHNOLOGY SERVICES.

There are authorized to be appropriated to the Secretary of Commerce for the Industrial Technology Services activities of the National Institute of Standards and Technology—

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

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

(B) \$117,800,000 shall be for the Manufacturing Extension Partnerships program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l); and

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

(A) \$150,000,000 shall be for the Advanced Technology Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n); and

(B) \$111,300,000 shall be for the Manufacturing Extension Partnerships program under section 5 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l).

Mr. SENSENBRENNER. Mr. Chairman, I ask unanimous consent that the

remainder of the bill be printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 5. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT AMENDMENTS.

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

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

(2) by inserting “and if the non-Federal participants in the joint venture agree to pay at least 60 percent of the total cost of the joint venture during the Federal participation period under this section, which shall not exceed 5 years,” in subsection (b)(1)(B) after “participation to be appropriate,”;

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

(4) by striking “and cooperative agreements” in subsection (b)(2), and inserting in lieu thereof “cooperative agreements, and, subject to the last sentence of this subsection, other transactions”;

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

(6) by adding after subsection (b)(4) the following:

“The authority under paragraph (1)(B) and paragraph (2) to enter into other transactions shall apply only if the Secretary, acting through the Director, determines that standard contracts, grants, or cooperative agreements are not feasible or appropriate, and only when other transaction instruments incorporate terms and conditions that reflect the use of generally accepted commercial accounting and auditing practices.”;

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

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

“(k) Notwithstanding subsection (b)(1)(B) and subsection (d)(3), the Director may grant extensions beyond the deadlines established under those provisions for joint venture and single applicant awardees to expend Federal funds to complete their projects, if such extension may be granted with no additional cost to the Federal Government and it is in the Federal Government’s interest to do so.

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

“(1) the property is purchased with funds provided under this section; and

“(2) the Secretary, acting through the Director, determines that the vesting of such property furthers the objectives of the Institute.

Vesting under this subsection shall be subject to such limitations as are prescribed by the Secretary, acting through the Director, and shall be made without further obligation to the United States Government.”.

(b) ADDITIONAL AMENDMENTS.—(1) Section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) is further

amended by striking the period at the end of the first sentence of subsection (d)(11)(A) and inserting in lieu thereof the following: “or any other participant in a joint venture receiving financial assistance under this section, as agreed by the parties, notwithstanding the requirements of section 202 (a) and (b) of title 35, United States Code.”.

(2) The amendment made by this subsection shall be effective only with respect to assistance for which solicitations for proposals are made after the date of the enactment of this Act.

SEC. 6. MANUFACTURING EXTENSION PARTNERSHIP PROGRAM CENTER EXTENSION.

Section 25(c)(5) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(5)) is amended by striking “, which are designed” and all that follows through “operation of a Center.” and inserting in lieu thereof “, After the sixth year, a Center may receive additional financial support under this section if it has received a positive evaluation through an independent review, under procedures established by the Institute. Such an independent review shall be required at least every two years after the sixth year of operation. Funding received for a fiscal year under this section after the sixth year of operation shall not exceed the proportion of the capital and annual operating and maintenance costs of the Center received by the Center during its sixth year of operation.”.

SEC. 7. MALCOLM BALDRIGE QUALITY AWARD.

Section 17(c)(3) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(c)(3)) is amended by inserting “, unless the Secretary determines that a third award is merited and can be given at no addition cost to the Federal Government” after “in any year”.

SEC. 8. NEXT GENERATION INTERNET.

None of the funds authorized by this Act, or any other Act enacted before the date of the enactment of this Act, may be used for the Next Generation Internet. Notwithstanding the previous sentence, funds may be used for the continuation of programs and activities that were funded and carried out during fiscal year 1997.

SEC. 9. LIMITATIONS.

(a) PROHIBITION OF LOBBYING ACTIVITIES.—None of the funds authorized by this Act shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

(b) LIMITATION ON APPROPRIATIONS.—No sums are authorized to be appropriated to the Director of the National Institute of Standards and Technology for fiscal years 1998 and 1999 for the activities for which sums are authorized by this Act, unless such sums are specifically authorized to be appropriated by this Act.

(c) ELIGIBILITY FOR AWARDS.—

(1) IN GENERAL.—The Director of the National Institute of Standards and Technology shall exclude from consideration for grant agreements made by the Institute after fiscal year 1997 any person who received funds, other than those described in paragraph (2), appropriated for a fiscal year after fiscal year 1997, under a grant agreement from any Federal funding source for a project that was not subjected to a competitive, merit-based award process. Any exclusion from consideration pursuant to this subsection shall be effective for a period of 5 years after the person receives such Federal funds.

(2) EXCEPTION.—Paragraph (1) shall not apply to the receipt of Federal funds by a person due to the membership of that person in a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

(3) DEFINITION.—For purposes of this subsection, the term “grant agreement” means a

legal instrument whose principal purpose is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, and does not include the acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States Government. Such term does not include cooperative agreement (as such term is used in section 6305 of title 31, United States Code) or a cooperative research and development agreement (as such term is defined in section 12(d)(1) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

SEC. 10. NOTICE.

(a) NOTICE OF REPROGRAMMING.—If any funds authorized by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) NOTICE OF REORGANIZATION.—The Secretary of Commerce shall provide notice to the Committees on Science and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 15 days before any major reorganization of any program, project, or activity of the National Institute of Standards and Technology.

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

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

(1) give high priority to correcting all 2-digit date-related problems in its computer systems to ensure that those systems continue to operate effectively in the year 2000 and beyond;

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

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

SEC. 12. BUY AMERICAN.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the “Buy American Act”).

(b) SENSE OF CONGRESS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(c) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of Commerce shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

The CHAIRMAN. Are there any amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker pro tempore [Mr. DREIER] having assumed the chair, Mr. DUNCAN, Chairman of the Committee of the

Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1274) to authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, and for other purposes, pursuant to House Resolution 127, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 126 and rule XXIII, the Chair declares the House on the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 1273.

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IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1273) to authorize appropriations for fiscal years 1998 and 1999 for the National Science Foundation, and for other purposes, with Mr. DUNCAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from California [Mr. BROWN], each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. SENSENBRENNER].

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

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of H.R. 1273, the National Science Foundation Act of 1997. It is particularly appropriate that the House consider this legislation at this time because this week is National Science and Technology Week. This House can be proud of the work of the Members on both sides of the aisle in developing the blueprint of the 105th Congress for strong support of research, development, and science education.

The National Science Foundation provides funding to over 19,000 research and education projects in science and

engineering annually. It does this through grants and cooperative agreements to more than 2,000 colleges, universities, K-12 schools, businesses and other research institutions in all parts of the United States. The foundation accounts for about 25 percent of Federal support to academic institutions for basic research.

This 2-year authorization improves our investment in America by strengthening our commitment to the National Science Foundation. The bill authorizes approximately \$3.5 billion for fiscal year 1998. The bipartisan support for this bill demonstrates the committee's belief that the support of basic research will provide America with the lead role for science in the future. It is through basic research that we will make the fundamental discoveries that will become the economic drivers in the 21st century.

H.R. 1273 provides for \$2.56 billion, or a 5.4-percent increase over fiscal year 1997, in the research and related activities account. In fiscal year 1999, the bill then further increases the RR&A account to \$2.74 billion, a 7-percent increase over fiscal year 1998. The research and related activities account is NSF's primary account. It provides the resources that allow the United States to uphold world leadership in a variety of science and engineering activities.

This legislation follows through on the committee's commitment to improve math and science education. In the Education and Human Resources Directorate, the bill incorporates the President's request of \$625 million, a 1.1-percent increase over fiscal year 1998, and then provides 3 percent growth in this program to over \$644 million in fiscal year 1999.

The major research equipment account completes funding for the construction of the Laser Interferometer Gravitational Wave Observatory Program, LIGO, for short. This account provides funds for two new programs: the Millimeter Array Radio Telescope and the Polar Cap Observatory. The MMA will be the world's most sensitive, highest resolution millimeter-wavelength telescope and will provide a testing ground for theories of star birth, galaxy formation and the evolution of the universe. The Polar Cap Observatory will provide new measurement capabilities for studying and monitoring space weather, the conditions in space environment that can influence the performance of satellites, affect power grids and disrupt telecommunications.

In addition, the bill provides for the one time, full authorization of the Antarctic Rehabilitation Program. As the distinguished chairman of the NSF's External Review Panel on Antarctic Programs, Norm Augustine, testified before our committee:

It's our belief we would not send a ship to sea or a spacecraft to orbit in the condition of the facilities that we have at the pole.