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

The SPEAKER pro tempore. (Mr. LAHOOD). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Michigan [Mr. DINGELL].

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

Conferees on S. 652, Telecommunications Act:

From the Committee on Commerce, for consideration of the Senate bill, and the House amendment, and modifications committed to conference: Messrs. BLILEY, FIELDS of Texas, OXLEY, WHITE, DINGELL, MARKEY, BOUCHER, Ms. ESHOO, and Mr. RUSH.

Provided, Mr. PALLONE is appointed in lieu of Mr. BOUCHER solely for consideration of section 205 of the Senate bill.

As additional conferees, for consideration of sections 1–6, 101–04, 106–07, 201, 204–05, 221–25, 301–05, 307–311, 401–02, 405–06, 410, 601–06, 703, and 705 of the Senate bill, and title I of the House amendment, and modifications committed to conference: Messrs. SCHAEFER, BARTON of Texas, HASTERT, PAXON, KLUG, FRISA, STEARNS, BROWN of Ohio, GORDON, and Mrs. LINCOLN.

As additional conferees, for consideration of sections 102, 202–03, 403, 407–09 and 706 of the Senate bill, and title II of the House amendment, and modifications committed to conference: Messrs. SCHAEFER, HASTERT, and FRISA.

As additional conferees, for consideration of sections 105, 206, 302, 306, 312, 501–05, and 701–02 of the Senate bill, and title III of the House amendment, and modifications committed to conference: Messrs. STEARNS, PAXON, and KLUG.

As additional conferees, for consideration of sections 7–8, 226, 404, and 704 of the Senate bill, and titles IV–V of the House amendment, and modifications committed to conference: Messrs. SCHAEFER, HASTERT, and KLUG.

As additional conferees, for consideration of title VI of the House amendment, and modifications committed to conference: Messrs. SCHAEFER, BARTON of Texas, and KLUG.

As additional conferees from the Committee on the Judiciary, for consideration of the Senate bill (except sections 1–6, 101–04, 106–07, 201, 204–05, 221–25, 301–05, 307–311, 401–02, 405–06, 410, 601–06, 703, and 705), and of the House amendment (except title I), and modifications committed to conference: Messrs. HYDE, MOORHEAD, GOODLATTE, BUYER, FLANAGAN, CONYERS, SCHROEDER and BRYANT of Texas.

As additional conferees, for consideration of sections 1–6, 101–04, 106–07, 201, 204–05, 221–25, 301–05, 307–311, 401–02, 405–06, 410, 601–06, 703, and 705 of the Senate bill, and title I of the House amendment, and modifications committed to conference: Messrs. HYDE, MOORHEAD, GOODLATTE, BUYER, FLANAGAN, GALLEGLY, BARR, HOKE, CONYERS, Mrs. SCHROEDER, Messrs. BERMAN, BRYANT of Texas, SCOTT, and Ms. JACKSON-LEE.

There was no objection.

MOTION TO INSTRUCT CONFEREES ON S. 652 TELECOMMUNICATIONS BILL

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, I rise in support of this motion to instruct the conferees.

As ranking member of the Judiciary Committee which has jurisdiction over the antitrust laws which lie at the heart of the M-F-J, I believe we in Congress should be doing everything we can to foster fair competition.

I am, therefore, encouraged by the fact that my good friend and Michigan colleague and distinguished ranking member of the Commerce Committee, Mr. DINGELL, agreed to specify in this motion that the conferees support those provisions which promote fair competition in telecommunications.

That means that we should open telecommunications markets only to the extent that we can be sure that monopolies will not abuse the principles of fair and open competition in the marketplace. Such abuse of monopolistic power would surely lead to higher consumer prices.

During the conference I will be doing everything within my power to ensure that the final bill provides for fair competition without the possibility of monopoly abuse. I fought for fair competition in the Judiciary Committee with Chairman HYDE, I fought for fair competition on the House floor, and I hope that as the House and Senate bills are reconciled we can achieve an accommodation providing fair competition for the American people.

If the final legislative product does not achieve such an accommodation, but instead allows monopolies to abuse their market power, this would be a dramatic step backward from the M-F-J. In such an event, I believe it would be preferable for the President to veto the legislation so we can begin work again next Congress.

Finally, I note that nothing in this motion preempts conferees from being very flexible. Nothing prevents the conferees from looking at a whole variety of alternatives that will promote fair competition.

Nothing in this motion should prevent the conferees from engaging in serious discussions with the administration so that a consensus package can be arrived at, and so that we can have meaningful telecommunications reform this year.

I urge a ''yes'' vote on this motion and a vote for fair competition.

OMNIBUS CIVILIAN SCIENCE AUTHORIZATION ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 234 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2405.

□ 1727

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 further consideration of the bill (H.R. 2405) to authorize appropriations for fiscal years 1996 and 1997 for civilian science activities of the Federal Government, and for other purposes, with Mr. KINGSTON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] had been disposed of and title V was open for amendment at any point.

Are there further amendments to title V?

AMENDMENT OFFERED BY MR. BROWN OF CALIFORNIA

Mr. BROWN of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of California: Page 133, line 5, strike subparagraph (A).

Page 133, lines 6 and 7, redesignate subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

Mr. BROWN of California. Mr. Chairman, this is the third of three amendments all in one paragraph on page 133, which seeks to strike language which disallows funding for three existing EPA programs which, in our opinion on this side, are vitally important to the improvement of our environment. The previous two have been offered by the gentlewoman from California [Ms. LOFGREN] and the gentleman from Massachusetts [Mr. KENNEDY], dealing with indoor air pollution research and with the climate change action plan.

My amendment would eliminate the paragraph, the line, which deauthorizes funding for the environmental technology initiative. My amendment strikes this because we believe that the philosophy behind the deauthorization is incorrect, and as I indicated earlier, this debate is aimed at exploring philosophical differences rather than any hopes of getting a really good bill.

□ 1750

On the other side, this particular program in environmental technology, which is aimed at providing encouragement and assistance to private industry to develop environmentally safe and benign technologies and to create and exploit markets based upon this, is considered to be a form of corporate welfare.

It is certainly true that the environmental technology industry has grown over the past few decades into a substantial sized industry which, by some estimates, generates $100 billion in revenue annually and also employs about 1 million people and generates a surplus in international trade and involves over 50,000 firms around this country. This is part of our success story in environmental protection, maintaining and improving environmental quality and creating jobs at the same time through exploiting markets in environmental technology.

It is these successes that the administration wanted to promote through its Environmental Technology Initiative. Perhaps if we had held hearings on this topic, Members would have been better informed about the goals of this program. Unfortunately, on these programs which are proposed to be deauthorized, there is not a hearing record and there is no way of knowing what the concerned constituencies feel about it.

EPA is designated as the lead agency in this government-wide program. Other agencies, of course, are involved. The funds available under the Environmental Technology Initiative are primarily used to support regulatory permitting and enforcement reforms and technological verification and demonstration grants.

About one-third of the funds are directed to Federal, State, and tribal government agencies to facilitate activities in four areas: Research and development, demonstration, testing and evaluation of technologies used for monitoring, pollution control and prevention, and remediation is the first of those four areas. Technical assistance for small business is the second. Third, promotion of U.S. environmental technologies overseas and cooperative work with industry to develop international standards for pollution control equipment. And, fourth, identification of environmental technology needs and regulatory barriers to innovation, and the development of more flexible permitting, inspection, and enforcement approaches to achieving environmental quality goals.

Mr. Chairman, I would like to close merely by indicating that this effort to assist American industry to rise to the challenge of developing the technologies, the processes, that will help to clean up the atmosphere, and to make a profit in so doing, has been ongoing for a number of years. That philosophy has been reflected in a number of research articles, magazine articles, and books which have had a tremendous impact on the business community. The leaders in the business community today, instead of resisting environmental regulations, now are seeking ways to make money from it. Example: the development of substitutes for the chlorofluoro carbons which are used in refrigerants.

The CHAIRMAN. The time of the gentleman from California [Mr. BROWN] has expired.

(By unanimous consent, Mr. BROWN of California was allowed to proceed for 2 additional minutes.)

Mr. BROWN of California. Mr. Chairman, this is something which the whole international community has joined in supporting and encouraging. We are now on the verge of developing worldwide markets in these new substitutes, which are environmentally benign. American business is in the lead in capturing this global market because of the foresight that we have had in this country in encouraging this kind of research in the environmental technologies program.

I think it is shortsighted at this particular point to deauthorize this program. It is one which has wide support in the business community. It has produced large amounts of income for American business, and our amendment is solely aimed at maintaining this program.

Obviously it will be at a lower level. This money does not have funding in it to continue at the scale we were before. We are not seeking to change the money, however. We are merely seeking to remove the prohibition against doing this kind of extremely popular and beneficial environmental activity.

Mr. ROHRABACHER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this program is $80 million worth of industrial policy. It is the type of program that Vice President Gore may hold very dear, but the taxpayers of the United States expect us to make some changes here in Washington, DC, that will lead to a balanced budget, and this program has no relationship to science whatsoever. It is supposedly aimed at finding ways to streamline regulations.

Well, giving $80 million to the government to streamline regulations is sort of like having the chickens give money to the foxes in order to protect them from foxes. It just does not make any sense.

Our position was endorsed in the committee by a bipartisan vote of 26 to 16. The bottom line is we do not have to spend $80 million of the taxpayers' money in order to streamline regulations. We can do it, and Congress in fact is already doing it, and that is why we oppose the amendment of the gentleman from California [Mr. BROWN].

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. BROWN].

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BROWN of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 189, noes 219, not voting 24, as follows:

[Roll No. 711]

AYES—189

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Foglietta
Forbes
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Geren
Gibbons
Gilchrest
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hastings (FL)
Hefner
Heineman
Hilliard
Hinchey
Holden
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Thompson
Thurman
Torkildsen
Torres
Towns
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Weldon (PA)
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—219

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bliley
Blute
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley

Herger	Metcalf	Seastrand
Hilleary	Meyers	Sensenbrenner
Hobson	Mica	Shadegg
Hoekstra	Miller (FL)	Shaw
Hoke	Molinari	Shays
Hostettler	Montgomery	Shuster
Hunter	Moorhead	Sisisky
Hutchinson	Morella	Skeen
Hyde	Myers	Smith (MI)
Inglis	Myrick	Smith (TX)
Istook	Nethercutt	Smith (WA)
Johnson, Sam	Neumann	Solomon
Jones	Ney	Souder
Kasich	Norwood	Spence
Kelly	Nussle	Stearns
Kim	Oxley	Stockman
King	Packard	Stump
Kingston	Parker	Talent
Klug	Paxon	Tate
Knollenberg	Petri	Tauzin
Kolbe	Pickett	Taylor (MS)
LaHood	Pombo	Taylor (NC)
Largent	Porter	Thomas
Latham	Portman	Thornberry
LaTourette	Pryce	Tiahrt
Laughlin	Quillen	Traficant
Lazio	Quinn	Upton
Leach	Radanovich	Vucanovich
Lewis (CA)	Ramstad	Waldholtz
Lewis (KY)	Regula	Walker
Lightfoot	Riggs	Walsh
Linder	Roberts	Wamp
Livingston	Rogers	Watts (OK)
Longley	Rohrabacher	Weldon (FL)
Lucas	Ros-Lehtinen	Weller
Manzullo	Roukema	White
McCrery	Royce	Whitfield
McDade	Salmon	Wicker
McHugh	Sanford	Wolf
McInnis	Scarborough	Young (AK)
McIntosh	Schaefer	Young (FL)
McKeon	Schiff	Zeliff

NOT VOTING—24

Bilirakis	Gephardt	Tejeda
Chapman	Harman	Thornton
Clay	Kennelly	Torricelli
Dornan	Lincoln	Tucker
Emerson	McCollum	Volkmer
Fazio	Moakley	Waxman
Fields (LA)	Mollohan	Williams
Ford	Roth	Wilson

□ 1756

Messrs. SAXTON, HEINEMAN, and KLINK changed their vote from ''no'' to ''aye''.

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN (Mr. KINGSTON). Are there further amendments to title V?

If not, the Clerk will designate title VI.

The text of title VI is as follows:

TITLE VI—TECHNOLOGY

Subtitle A—Technology Administration

SEC. 601. SHORT TITLE.

This title may be cited as the ''American Technology Advancement Act of 1995''.

SEC. 602. AUTHORIZATION OF APPROPRIATIONS.

(a) UNDER SECRETARY FOR TECHNOLOGY.—There are authorized to be appropriated for the Office of the Under Secretary of Commerce for Technology/Office of Technology Policy $5,066,000 for fiscal year 1996.

(b) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—There are authorized to be appropriated the following:

(1) For Scientific and Technical Research and Services of the National Institute of Standards and Technology, $275,579,000 for fiscal year 1996, of which—

(A) $39,628,000 shall be for Electronics and Electrical Engineering;

(B) $19,565,000 shall be for Manufacturing Engineering;

(C) $28,127,000 shall be for Chemical Science and Technology;

(D) $28,082,000 shall be for Physics;

(E) $54,314,000 shall be for Material Science and Engineering;

(F) $13,517,000 shall be for Building and Fire Research;

(G) $30,704,000 shall be for Computer Systems;

(H) $10,964,000 shall be for Applied Mathematics and Scientific Computing;

(I) $19,109,000 shall be for Technical Assistance;

(J) $28,169,000 shall be for Research Support; and

(K) $3,400,000 shall be for the Malcolm Baldrige National Quality Program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a); and

(2) for Construction of Research Facilities of the National Institute of Standards and Technology, $62,055,000 for fiscal year 1996.

SEC. 603. 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, by striking ''nor more than forty'' and inserting in lieu thereof ''nor more than 60''.

SEC. 604. STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980 AMENDMENTS.

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

(1) in section 11(i) (15 U.S.C. 3710(i))—

(A) by inserting ''loan, lease,'' after ''department, may''; and

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

(2) in section 17(c) (15 U.S.C. 3711a(c))—

(A) by striking paragraph (2);

(B) by redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2), as so redesignated by subparagraph (B) of this paragraph, by striking ''two'' and inserting in lieu thereof ''4''.

SEC. 605. 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. 606. 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'' and inserting in lieu thereof ''having a minimum Rockwell C hardness of 40 or above'';

(2) in paragraph (2)—

(A) by inserting ''International Organization for Standardization,'' after ''Society of Automotive Engineers,''; and

(B) 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) 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. 607. PROHIBITION OF LOBBYING ACTIVITIES.

None of the funds authorized by this title shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this 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.

SEC. 608. LIMITATION ON APPROPRIATIONS.

(a) EXCLUSIVE AUTHORIZATION FOR FISCAL YEAR 1996.—Notwithstanding any other provision of law, no sums are authorized to be appropriated for fiscal year 1996 for the activities for which sums are authorized by this title unless such sums are specifically authorized to be appropriated by this title.

(b) SUBSEQUENT FISCAL YEARS.—No sums are authorized to be appropriated for any fiscal year after fiscal year 1996 for the activities for which sums are authorized by this title unless such sums are specifically authorized to be appropriated by Act of Congress with respect to such fiscal year.

SEC. 609. ELIGIBILITY FOR AWARDS.

(a) IN GENERAL.—The Director shall exclude from consideration for awards of financial assistance made by the Under Secretary for Technology/Office of Technology Policy or the National Institute of Standards and Technology after fiscal year 1995 any person who received funds, other than those described in subsection (b), appropriated for a fiscal year after fiscal year 1995, 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 section shall be effective for a period of 5 years after the person receives such Federal funds.

(b) EXCEPTION.—Subsection (a) shall not apply to awards to persons who are members of a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

SEC. 610. 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) 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 assessment 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.

SEC. 611. FURTHER AUTHORIZATIONS.

Nothing in this Act shall preclude further authorization of appropriations 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) for fiscal year 1996: *Provided*, That authorization allocations adopted by the Conference Committee on House Concurrent Resolution 67, and approved by Congress, allow for such further authorizations.

The CHAIRMAN. Are there amendments to title VI?

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER:

Page 144, after line 25, insert he following:

''(e) COMMINGLING.—It shall be unlawful for any manufacturer, importer, or private label distributor to commingle like fastener 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.

Page 145, line 1, strike ''(e)'' and insert in lieu thereof ''(f)''.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. WALKER. Mr. Chairman, when the Science Committee marked up the Fastener Quality Act, I attached an amendment to establish the Fastener Advisory Committee. This committee was to determine if the act would have any detrimental impacts on business.

The Fastener Advisory Committee reported and recommended changes to the act.

Title VI addresses the concerns of the Fastener Advisory Committee: heat mill certification, mixing of like certified fasteners, and minor nonconformance.

Working with this Congress and NIST, the Public Law Task Force, comprised of members from the manufacturing, importing, and distributing sectors of the fastener industry, 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.

Unfortunately, a provision was inadvertently left out when drafting the original amendment to the Fastener Quality Act.

The language of the amendment I am offering goes back to the original intent of the bill, but is less restrictive

regarding commingling of fasteners, as recommended by the Fastener Advisory Committee. This amendment states that manufacturers, importers, and distributors of fasteners under private labels, may mix like-certified fasteners from only two tested and certified lots, and note more, and they must mark such containers accordingly.

This provision is less restrictive on industry. It was brought to our attention by NIST and is recommended and supported by the Fastener Advisory Committee, NIST, and the Public Law Task Force.

This amendment is a good solution. I urge my colleagues to support its adoption.

Mr. BROWN of California. Mr. Chairman, I move to strike the last word.

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

Mr. BROWN of California. Mr. Chairman, we understand the chairman's concern with this language. He has been assiduous for a number of years in trying to reach acceptable language in the law with regard to fasteners, which is a rather esoteric but important issue. I intend to support his request with this caveat.

I do not know what is involved in this final corrective language. There have been several mistakes made in trying to correct this before. So I will support this additional effort with the understanding that we can continue to work to make sure that this language will be acceptable and meet both of our goals.

Mr. Chairman, the problems on this side of the aisle with this amendment arise from the fact that we are amending a complex piece of legislation with no time to understand the ramifications. We received this amendment late yesterday; Mr. DINGELL, the author of the original 1989 act was not informed about this amendment or the underlying problem until today.

In 1989, we made mistakes in writing this act despite intensive hearings and markup sessions in two House committees. This year, in committee, without having held hearings, we made a series of corrections recommended by NIST. Now we learn that 3 months ago, NIST's author of its corrections mailed corrections to his corrections to Mr. WALKER's staff.

It is too late to check the accuracy of these corrections. Our initial reading is that the amendment before us is a less than perfect fix to a significant omission from the committee amendment. Also, given past performance, we do not want to simply assume that the author got it right this time.

I understand the chairman's desire to make this correction, and I hope he understands our concerns as well. We will not oppose him today on the understanding that in the coming weeks we will take the time, bipartisanly and jointly with the Committee on Commerce, to perfect the amendment as necessary to make sure that as we work to ease this act's burden on industry we also continue to protect the American public from the threat of catastrophic failure of high strength fasteners.

□ 1800

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, we will be very happy to work with the gentleman to make certain, if there are any problems here, that we work them out.

Mr. OXLEY. Mr. Chairman, I rise in support of the amendment.

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

Mr. OXLEY. Mr. Chairman, let me briefly say to my good friend from Pennsylvania that we are strongly supportive of the efforts on his behalf in regard to the fastener issue. Our committee, the Subcommittee on Oversight and Investigations, then chaired by the gentleman from Michigan [Mr. DINGELL], had several hearings several Congresses ago about that issue. It actually passed legislation in that regard. This amendment tracks very carefully the patch that we set out in the Committee on Commerce. This is a positive amendment.

Mr. Chairman, I rise today in support of the gentleman's amendment and this legislation.

The Fastener Quality Act, the result of a 4-year long Oversight and Investigations Subcommittee investigation by the Committee on Energy and Commerce, 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 O&I 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 H.R. 2405.

Mr. Chairman, this amendment simply restores the original intent of the Fastener Quality Act. The Committee on Commerce has no objection to this amendment and urges its adoption.

Thank you, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title VI?

AMENDMENT OFFERED BY MR. TANNER

Mr. TANNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TANNER: Page 149, after line 23, insert the following new section:

SEC. 612. AVAILABLE FUNDING.

Nothing in this title prohibits the National Institute of Standards and Technology from using available funds to perform research and development activities relating to environmental technologies, health care, information infrastructure, and construction technologies.

Page 4, after the item in the table of contents relating to section 611, insert the following:

Sec. 612. Available funding.

Mr. TANNER [during the reading]. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. TANNER. Mr. Chairman, I want to reiterate at the outset that in title VI, as in all other titles heretofore discussed, we do not bust the budget in that we are completely consistent with the glide path toward a balanced budget. And we are in title VI as well.

Mr. Chairman, this amendment affirms the ability of the National Institute of Standards of Technology [NIST] to perform its activities in environmental technologies, health care, information infrastructure, and construction technologies. It does not increase funding.

Why am I offering this amendment? Because the Committee report implicitly directs NIST not to pursue programmatic research in these areas, because they do not consider them to be related to the core mission of NIST. Why am I concerned? The current language in the bill inhibits NIST from doing activities that support American industry and promote the health and welfare of all Americans.

This language inhibits NIST from developing the measurement standards required for industry to develop chlorofluorocarbon substitutes. In addition NIST environmental technology standards help industry meet pollution emission standards and they provide more than 200 different Standard Reference Materials. The National Center for Industrial and Treatment Technologies puts it succinctly:

> . . . NIST is seen as filling a unique and vital role in the fundamental science and engineering of pollution prevention and clean technology development. It is foolhardy to inhibit our use of these advanced laboratories merely because the outcome of the work might pay an environmental dividend. The health of the American taxpayer and the environment deserve better than that.

NIST health care program supports measurements that are critical to the accurate calibration of diagnostic equipment used in clinical labs around the country. These activities support clinical testing for measuring cholesterol, DNA testing, performing mammograms, and giving radiation treatment for cancer. NIST provides the services and conducts the research that forms the foundation for nationwide safety and quality assurance systems.

Health and Human Services reported that retesting accounts for between 10–25 percent of the total annual health care costs (between 90–220 billion in 1992). Even a one percent reduction in wasteful retesting results in savings approaching $1 billion. Measurement technology and standards developed and produced by NIST will improve

cost effectiveness by facilitating the development of innovative diagnostic and therapeutical tools to provide for more accurate diagnosis. As a letter from the president of the National Conference of Standards Laboratories states:

> Without backing up the accuracy of this extraordinary number of measurements made in industry and trade, we would be unable to compete in international markets; we could not assure proper functioning of products, safety and drugs and pharmaceuticals, and the efficiency of medical services staff.

Report language inhibiting NIST from performing work related to construction standards ignores the fact that NIST is the principle source of technical information for construction and fire safety standards which provide the basis for fire and building codes.

Every product of the work referred to by the committee report affects urgently needed new measurement methods, data, computer-based models or related tools as enabling infrastructure for evaluation of industry produced technologies, or information protocols to facilitate interoperability of industry produced construction products and equipment.

The construction industry endorses NIST efforts regarding on-site automation and building services protocols. Many of these activities are conducted in cooperation with leading construction industry firms such as Bechtel, Caterpillar, Fluor Daniel, Stone & Webster, PlantSTEP Consortium, and BACNET Consortium. As the Portland Cement Association wrote it:

> NIST's construction industry programs would not be viable on a commercial basis because no one company could profit from any technology gains achieved.

Finally, majority report language concerning NIST's information infrastructure is wrong. NIST provides key meteorology support through development of test methods, simulations, and reference prototypes, labs, and testbeds. NIST collaborates with industry to develop test methods, metrics, and tools to measure conformity to standards and interoperability which are key to the national infrastructure.

Contrary to the committee report, these unique activities fall squarely within NIST's mission responsibilities.

This report language cuts at the very heart of NIST's traditional activities which promote American industry's competitiveness and American's health and Welfare.

There is nothing in the transcript of either the subcommittee or full committee markup, hearing testimony or staff reports to support the report language. The report demonstrates a fundamental misunderstanding of key NIST programs.

I urge my colleagues to adopt this amendment.

Mr. Chairman, these activities fall squarely within the core mission of NIST. I was not there the other day and, for example, they are developing an instrument to measure in very minute quantities some of the things that are being miniaturized now, such things that would go into one's body so a doctor can see to operate on one, such things as connected with all of the miniaturization that is going on in the computer world.

There has to be somebody to develop an instrument to measure a standard so we know where we are. This language in the report inhibits that, and our amendment simply does not prohibit NIST from doing this in connection and in conjunction with industry.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I move to strike the last word, and I rise on behalf of this amendment.

Mr. Chairman, the Science Committee has included in the report language which accompanies this bill health care language which could not be further from the truth.

The National Institute of Standards and Technology has not proposed to expand into the development preventive technologies. Rather, NIST has proposed to increase by $2 million the amount it would spend to establish accurate medical measurements to assist with improving our Nation's health care.

This is not a new area for NIST. The institute has been providing this service for decades.

Those in the health care community recognize that NIST is the ultimate authority on literally thousands of measurements which bring certainty to the practice of medicine in this country.

Without NIST, there would be no way to guarantee that a blood pressure or cholesterol measurement performed in Boston would be the same as one taken in Dallas, TX.

For example, Cellmark, the Nation's leader in DNA sciences, has stated that it would go out of business if it could not rely on NIST standards.

The work done by NIST in this area is not duplicative of work done by other agencies. To put it bluntly, other agencies neither understand nor perform this type of important medical work.

Additionally, Mr. Chairman, the report language seeks to forbid NIST from participating in the development of environmental technologies, by stating that the work of NIST is duplicative of the work done by other agencies.

NIST has a proven record of providing measurements and reference materials which are the basis of many environmental technology areas. For example, NIST has been involved in the development of standards for refrigerants and other chemicals covered by the Montreal Protocol. This process affects over $300 billion of refrigeration equipment in the United States.

The programs at NIST are not being carried out by other agencies. DOE and NSF are unable to perform the type of standard-setting work that goes on at NIST.

NIST deals with measurements, standards, reference data and test methods. No other agency has this role.

NIST provides the quality assurance for measurements which are made by other government agencies.

For example, NIST enables other companies and agencies to measure low levels of chemical concentrations by providing more than 200 different environmental reference materials that allow more accurate measurement of pollutants in air, water and soil.

Importantly, NIST does not establish or enforce regulatory standards. The role of NIST is to ensure that these activities are based on sound science and accurate measurements.

In sum, Mr. Chairman, the work being performed by NIST in the crucial areas of health care and environmental technology is of a critical nature, and is work that NIST is uniquely qualified to perform.

The amendment before us today will allow NIST to continue this important work, and I urge my colleagues to support it.

Mr. WALKER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I guess there is a feeling here that if you blow enough smoke on these issues and so on that somehow it will become true. The fact is that there is absolutely nothing in our bill that stops NIST from performing standard setting. That is what we think the core mission of NIST should be.

So in all the areas mentioned in the gentleman's amendment, NIST is still in the business of setting the standards. Any work that they do with regard to setting standards is perfectly appropriate. So the gentlewoman's talk about the fact that we need to have standards, we are all for that. That is the reason why we have sought to preserve the core program at NIST and have fought against those efforts to divert NIST away from its core program.

Now, what this amendment suggests is not just research into setting standards; it suggests the development activities. The development activities are where they have wandered off into doing research that is within the realm of business and industry. And therein lies the problem. We think that there are a whole host of areas here where they have wandered off to do things that are not a part of the standard setting mission of the agency.

□ 1815

We think that it is high time that the real standard setting mission of the agency is done, for exactly the reasons mentioned by the gentlewoman. When the gentleman from Tennessee mentioned the whole host of things that he thinks the agency should do, we looked through the bill. Virtually all of those things can be done under our bill.

The problem with adopting the gentleman's amendment is that what we do is we begin then to deteriorate the

ability to do the things that we set out in the bill to emphasize. For example, what the amendment would undermine is the fact that we adopted six of 10 areas which the committee agreed to were a part of the core mission there in terms of broad based development.

That is manufacturing engineering. We increased that by 2 percent. We increased physics by 2 percent. Materials science and engineering was increased by 9 percent. Applied math and scientific computing was increased by 51 percent. Technical assistance activities were increased by 28 percent. Research support was increased by 2 percent.

The amendment offered refers to program activities as to which the President submitted proposals that were deemed to lie outside of NIST's expertise or represent research well advanced in the private sector. Obviously, however, some activities are ongoing in these areas that are authorized which are already within the traditional standards development activities of NIST. Those activities are already included within the authorization. The report language makes this distinction and sets forth the activities not factored into the authorized program levels.

What we have is a discussion here of an amendment that really suggests that we are taking away from NIST's ability to set standards in these areas, and that is absolutely not the case. To suggest that that is the case is just absolutely out of sort with both the bill and the report.

What the gentleman's amendment is doing is undermining the ability of the agency to do some good work in some areas where we have prioritized it, and distinctly not helping at all in the standard-setting process. I would suggest that the amendment is not doing what the two previous speakers have told us it is; that in fact what it is doing is undermining the very core mission that both the speakers have suggested that they want to keep in place.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, the question I would like to ask is just for the gentleman to point out to me the specific language that he is referring to, because my intent is to just allow them to, where the gentleman says development, is to keep current on standards. Many things can be changed and updated and reformed for more efficiency, but the standards do not remain current in certain activities. They have to be updated because we have the technology to improve it.

Mr. WALKER. Reclaiming my time, what we are doing in our bill is protecting that core program so that that ongoing standards work can in fact be the concentration of the agency. That is exactly what we are attempting to do. This amendment undermines that particular goal because it takes us away from doing those core programs of ongoing standard settings and moves us off into, and this is what the amendment says, development activities.

The development activities are really industrial policy types of activities, and that is exactly what we are saying, is let us keep the standards as the focus, let us make certain that as new standards are needed that they are adopted.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. WALKER. Mr. Chairman, I want to make certain that we have the ability to set standards in all these areas. That is the reason why we have said from the outset that we were determined to protect the core program at NIST. I am just disappointed to see an amendment that takes us away from doing what we thought we were beginning to accomplish.

Ms. EDDIE BERNICE JOHNSON of Texas. If the gentleman would yield further, I did not hear the specific language, if he would just point that out to me.

Mr. WALKER. The specific language is the authorization for the core program that is in the bill. With regard to health care, what we say is that the proposed nontraditional NIST activities are duplicative of ongoing major government initiatives at other agencies.

We are specifically referring to a $2 million new start that was put into the program. We eliminated the new start but we did not in any way impact on the ability to set the standards in the health area.

Ms. EDDIE BERNICE JOHNSON of Texas. If the gentleman would yield further, could I just follow up with one final question? Let me give an example of what one of my concerns might be.

In my area, there is an environmental area contaminated with lead. It has been there for a while. Years ago, where the standards were at one point, they are very different now. Tests have been done by some of the Federal agencies and a medical school and the results were differently interpreted. But when put by a standard that had been developed by process and updating of information, they had to be brought together.

No agency other than NIST could have done this with authority and neutral information. If we do not allow for updating, we will waste money because we are developing technologies to simplify it all the time.

Mr. WALKER. Once again reclaiming my time, there is nothing in our bill to suggest that they cannot update standards. In fact, we have the core program in place so that they can update the standards.

Ms. EDDIE BERNICE JOHNSON of Texas. What is the objection to the language in this amendment?

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has again expired.

(On request of Mr. BROWN of California, and by unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. WALKER. Mr. Chairman, we are funding the core program so that NIST has the capacity to do work in all of these areas. We suggest across the board that NIST is the premier agency for doing standard setting, and we fund a program that is in line with the President's request for doing that core program. That is what we are doing here. It would certainly allow them to set standards in either updated standards in old areas or new standards. That is what the bill is all about.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Chairman, I understand what the gentleman from Pennsylvania [Mr. WALKER] is saying, but if we read the report language, on page 24 the adjustments made in these 4 areas reflect committee assessments that certain existing or proposed program activities are or would have been insufficiently related to the core mission of NIST to justify the fiscal year 1996 requested funding. Those program activities fall into four broad categories: Information infrastructure, environmental technologies, fire research and health care.

I do not recall in any of our committee deliberations anyone coming before our committee talking about the legitimacy of standards in these areas out at NIST, not one person. This is a committee report language conclusion, I guess, and we want to know what is the basis on which the gentleman makes this assumption. What specific activities that NIST has proposed does the gentleman object to?

Finally, if I amend my amendment to say using available funds to perform standards-related research and development, would the gentleman accept that?

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, as nearly as we can tell, the gentleman is concerned about the amounts of money that are in the chart. The chart refers to the specific items and so on that were taken out, but it does not in any way relate to the fact that there is a core program of research available at NIST which can do work in these areas. We are not taking away from NIST's ability to set standards in the areas that are mentioned in the gentleman's amendment.

Mr. TANNER. What are the committee assessments that certain specific

things do not fit into the core mission? We have never on the committee been advised of what the gentleman is talking about here. That is why we have objected to the report language.

Mr. WALKER. Mr. Chairman, the committee adopted the chart.

Mr. TANNER. I ask the gentleman from Pennsylvania again, would he accept an amendment to my amendment to perform standards-related research? He said in the well a minute ago that is what NIST should be doing, and we are perfectly willing to say that in these 4 areas. This report language is very troubling to us.

Mr. WALKER. Mr. Chairman, the fact is that we are acting on a committee derived document. The committee in fact passed the chart. The committee action was that they passed the chart.

Mr. TANNER. Mr. Chairman, there was not one iota, we saw a chart at the end with no debate. There was not a witness that came forward on the internal programs of NIST, that I recall, that the committee said, ''What are you doing that for? That is not part of your core mission.''

There was none of that in our committee, nothing, not one word. What we are saying is this committee report language has a chilling effect on what the gentleman and I both want, and that is standards research out at NIST. We are willing to amend our amendment to say standards-related research and development in these four areas. I do not know how the gentleman could possibly object to standards-related research and development.

Mr. WALKER. If the gentleman would yield further, the fact is that what we were also trying to do was conform to the rescission bill. The 1995 rescission bill took away some of this money. In the 1995 rescission bill, in the chemical accounts for biotechnology, health care and environmental technology, $7 million was rescinded, so that some of this is included as a part of the rescission bill situation as well. Do I understand the gentleman to say that he is prepared to modify his amendment?

Mr. TANNER. Mr. Chairman, yes, I have made that offer twice.

Mr. WALKER. His modification would be using available funds to perform research relating to——

Mr. TANNER. To perform standards-related research.

Mr. WALKER. For standards-related activities? I do not have a problem with that. I do not believe that that in any way moves us away from where the bill is. We want to be in the position of setting standards. If the gentleman wants to modify his amendment to suggest from using available funds to perform standards-related activities for environmental technologies, for health care and so on, that is fine, from our standpoint.

MODIFICATION OF AMENDMENT OFFERED BY MR. TANNER

Mr. TANNER. Mr. Chairman, I ask unanimous consent to modify the amendment to reflect standards-related research.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification of amendment offered by Mr. TANNER: On line 4 of the matter proposed by the amendment, after ''to perform'' insert ''standards-related''.

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

There was no objection.

(By unanimous consent, Mr. BROWN of California was allowed to proceed for 45 additional seconds.)

Mr. BROWN of California. Mr. Chairman, I think we have reached an amicable solution to this situation and I appreciate very much the distinguished chairman of the committee being amenable to this modification. I want to assure him that it was not the language in the bill that caused concern. It was the interpretation of the report language. The gentleman knows and has stated on the floor that the report language is not binding. But nevertheless as he well recognized, it is looked to as a means of guidance in the interpretation of the language of the bill.

□ 1830

Mr. WALKER. If the gentleman will yield, I mean, in accepting the language there, I mean, we still stand by the report language. We believe that what this language does is simply emphasizes what we believe is in the report. If it helps you all to understand what the report means, that is fine. That works very well for me.

Mr. BROWN of California. We figured it would help us a great deal, I say to the gentleman from Pennsylvania [Mr. WALKER], and we appreciate the cooperation.

Mr WALKER. Excellent.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Tennessee [Mr. TANNER].

The amendment, as modified, was agreed to.

The CHAIRMAN. Are there further amendments to title VI?

If not, the Clerk will designate title VII.

The text of title VII is as follows:

TITLE VII—UNITED STATES FIRE ADMINISTRATION

SEC. 701 SHORT TITLE.

This title may be cited as the ''Fire Administration Authorization Act of 1995''.

SEC. 702. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(a)(I)) is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting in lieu thereof a semicolon; and

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

''(G) $28,000,000 for the fiscal year ending September 30, 1996, which, notwithstanding subsection (h), includes any amounts appropriated under subsection (h) (3) and (4) for fiscal year 1996; and

''(H) $28,000,000 for the fiscal year ending September 30, 1997.''.

SEC. 703. FIRE SAFETY SYSTEMS IN ARMY HOUSING.

Section 31(c)(1)(A)(ii)(II) is amended by inserting '', or in the case of housing under the control of the Department of the Army, 6 years after such date of enactment'' after ''date of enactment''.

SEC. 704. SUCCESSOR FIRE SAFETY STANDARDS.

The Federal Fire Prevention and Control Act of 1974 is amended—

(1) in section 29(a)(1), by inserting '', or any successor standard thereto,'' after ''Association Standard 74'';

(2) in section 29(a)(2), by inserting ''or any successor standards thereto,'' after ''whichever is appropriate,'';

(3) in section 29(b)(2) by inserting '', or any successor standards thereto'' after ''Association Standard 13 or 13–R'';

(4) in section 31(c)(2)(B)(i), by inserting ''or any successor standard thereto,'' after ''Life Safety Code),''; and

(5) in section 31(c)(2)(B)(ii), by inserting ''or any successor standard thereto,'' after ''Association Standard 101,''.

SEC. 705. TERMINATION OR PRIVATIZATION OF FUNCTIONS.

The Administrator of the United States Fire Administration shall transmit to Congress a report providing notice at least 60 days in advance of the termination or transfer to a private sector entity of any significant function of the United States Fire Administration.

SEC. 706. REPORT ON BUDGETARY REDUCTION.

The Administrator of the United States Fire Administration shall transmit to Congress, within three months after the date of the enactment of this Act, a report setting forth the manner in which the United States Fire Administration intends to implement the budgetary reduction represented by the difference between the amount appropriated to the United States Fire Administration for fiscal year 1996 and the amount requested in the President's budget request for such fiscal year. Such report shall be prepared in consultation with the Alliance for Fire and Emergency Management, the International Association of Fire Chiefs, the International Association of Fire Fighters, the National Fire Protection Association, the National Volunteer Fire Council, the National Association of State Fire Marshals, and the International Association of Arson Investigators.

The CHAIRMAN. Are there amendments to title VII?

If not, are there further amendments to the bill?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 152, after line 19, insert the following new title:

TITLE VIII—BUY AMERICAN

SEC. 801. BUY AMERICAN.

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

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

Page 4, after the items in the table of contents relating to title VII, insert the following:

TITLE VIII—BUY AMERICAN

Sec. 801. Buy American.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

Mr. WALKER. Mr. Chairman, reserving the right to object, is this the amendment that was worked out?

Mr. TRAFICANT. If the gentleman will yield, this is the Buy America amendment that had been worked out.

Mr. WALKER. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

Mr. TRAFICANT. Mr. Chairman, there being no opposition, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BROWN OF CALIFORNIA

Mr. BROWN of California. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. BROWN of California:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Omnibus Civilian Science Authorization Act of 1995''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—NATIONAL SCIENCE FOUNDATION

Sec. 101. Short title.
Sec. 102. Definitions.

Subtitle A—National Science Foundation Authorization

Sec. 111. Authorization of appropriations.
Sec. 112. Proportional reduction of research and related activities amounts.
Sec. 113. Consultation and representation expenses.
Sec. 114. Reprogramming.

Subtitle B—General Provisions

Sec. 121. Annual report.
Sec. 122. National research facilities.
Sec. 123. Eligibility for research facility awards.
Sec. 124. Administrative amendments.
Sec. 125. Indirect costs.
Sec. 126. Research instrumentation and facilities.
Sec. 127. Financial disclosure.
Sec. 128. Educational leave of absence for active duty.
Sec. 129. Science Studies Institute.
Sec. 130. Educational impact.

TITLE II—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Subtitle A—General Provisions

Sec. 201. Short title.
Sec. 202. Findings.
Sec. 203. Definition.

Subtitle B—Authorization of Appropriations

PART I—AUTHORIZATIONS

Sec. 211. Human space flight.
Sec. 212. Science, aeronautics, and technology.
Sec. 213. Mission support.
Sec. 214. Inspector General.
Sec. 215. Total construction of facilities authorization.

PART II—LIMITATIONS AND SPECIAL AUTHORITY

Sec. 221. Use of funds for construction.
Sec. 222. Availability of appropriated amounts.
Sec. 223. Reprogramming for construction of facilities.
Sec. 224. Consideration by committees.
Sec. 225. Use of funds for scientific consultations or extraordinary expenses.

Subtitle C—Miscellaneous Provisions

Sec. 231. Purchase of airborne infrared astronomy data services.
Sec. 232. Facilities closing commission.

TITLE III—DEPARTMENT OF ENERGY

Sec. 301. Short title.
Sec. 302. Findings.
Sec. 303. Definitions.
Sec. 304. Energy conservation.
Sec. 305. Fossil energy.
Sec. 306. High energy and nuclear physics.
Sec. 307. Solar and renewable energy.
Sec. 308. Nuclear energy.
Sec. 309. Civilian waste; environment, safety, and health.
Sec. 310. Long-term initiatives.
Sec. 311. Support programs for energy supply research and development.
Sec. 312. Limitation.
Sec. 313. Additional authorizations.
Sec. 314. Sense of Congress.

TITLE IV—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Sec. 401. Short title.
Sec. 402. Policy and purpose.
Sec. 403. National Weather Service operations and research.
Sec. 404. National Weather Service systems acquisition.
Sec. 405. Weather Service modernization.
Sec. 406. Basic functions and privatization of National Weather Service .
Sec. 407. Climate and air quality research.
Sec. 408. Atmospheric research.
Sec. 409. Oceans and Great Lakes programs.
Sec. 410. Satellite observing and environmental data management systems.
Sec. 411. National Ocean Service observation and assessment.
Sec. 412. Program support.
Sec. 413. Noaa fleet modernization.
Sec. 414. Educational programs and activities.
Sec. 415. Subpoena.
Sec. 416. Working capital fund.
Sec. 417. Weather data buoys.
Sec. 418. Reimbursement of expenses.
Sec. 419. Construction projects.
Sec. 420. Additional authorization for gaps in Weather Service coverage.

TITLE V—ENVIRONMENTAL PROTECTION AGENCY

Sec. 501. Short title.
Sec. 502. Definitions.
Sec. 503. Authorization of appropriations.
Sec. 504. Scientific research review.
Sec. 505. Environmental technology initiative.

TITLE VI—TECHNOLOGY

Sec. 601. Short title.
Sec. 602. Authorization of appropriations.
Sec. 603. National Institute of Standards and Technology Act amendments.
Sec. 604. Stevenson-Wydler Technology Innovation Act of 1980 amendments.
Sec. 605. Personnel.

TITLE VII—UNITED STATES FIRE ADMINISTRATION

Sec. 701. Short title.
Sec. 702. Authorization of appropriations.
Sec. 703. Fire safety systems in Army housing.
Sec. 704. Successor fire safety standards.
Sec. 705. Termination or privatization of functions.
Sec. 706. Report on budgetary reduction.

SEC. 2. FINDINGS.

The Congress finds that—

(1) science and technology have been major determinants of the American economy and quality of life and will be of even greater importance in the years ahead;

(2) public support of science and technology should be considered as an investment in the future;

(3) education and training in science, mathematics, and engineering are crucial to America's future;

(4) the Federal Government should continue to support strong research institutions—universities, research institutions, and national laboratories—as part of the Nation's science and technology infrastructure;

(5) the Federal investment portfolio in science and technology must support both basic and applied research, including the development of precompetitive technologies in cooperation with and for the private sector as well as for national needs; and

(6) stability of funding, based on long-range planning, is essential for effective and efficient use of the Federal investment in research and its associated educational function and for enhancing international collaboration.

TITLE I—NATIONAL SCIENCE FOUNDATION

SEC. 101. SHORT TITLE.

This title may be cited as the ''National Science Foundation Authorization Act of 1995''.

SEC. 102. DEFINITIONS.

For purposes of this title—

(1) the term ''Director'' means the Director of the Foundation;

(2) the term ''Foundation'' means the National Science Foundation;

(3) the term ''institution of higher education'' has the meaning given such term in section 1201(a) of the Higher Education Act of 1965;

(4) the term ''national research facility'' means a research facility funded by the Foundation which is available, subject to appropriate policies allocating access, for use by all scientists and engineers affiliated with research institutions located in the United States; and

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

Subtitle A—National Science Foundation Authorization

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

(a) FINDINGS.—The Congress finds that—

(1) the programs of the Foundation are important for the Nation to strengthen basic research and develop human resources in science and engineering, and that those programs should be funded at an adequate level;

(2) the primary mission of the Foundation continues to be the support of basic scientific research and science education and the support of research fundamental to the engineering process and engineering education; and

(3) the Foundation's efforts to contribute to the economic competitiveness of the United States should be in accord with that primary mission.

(b) FISCAL YEAR 1996.—There are authorized to be appropriated to the Foundation $3,186,000,000 for fiscal year 1996, which shall be available for the following categories:

(1) Research and Related Activities, $2,280,000,000.

(2) Education and Human Resources Activities, $599,000,000.

(3) Major Research Equipment, $70,000,000.

(4) Academic Research Facilities Modernization, $100,000,000.

(5) Salaries and Expenses, $127,000,000.

(6) Office of Inspector General, $4,500,000.

(7) Headquarters Relocation, $5,200,000.

SEC. 112. PROPORTIONAL REDUCTION OF RESEARCH AND RELATED ACTIVITIES AMOUNTS.

If the amount appropriated pursuant to section 111(b)(1) is less than the amount authorized under that paragraph, the amount authorized for each subcategory under that paragraph shall be reduced by the same proportion.

SEC. 113. CONSULTATION AND REPRESENTATION EXPENSES.

From appropriations made under authorizations provided in this title, not more than $10,000 may be used in each fiscal year for official consultation, representation, or other extraordinary expenses at the discretion of the Director. The determination of the Director shall be final and conclusive upon the accounting officers of the Government.

SEC. 114. REPROGRAMMING.

(a) $500,000 OR LESS.—In any given fiscal year, the Director may transfer appropriated funds among the subcategories of Research and Related Activities, so long as the net funds transferred to or from any subcategory do not exceed $500,000.

(b) GREATER THAN $500,000.—In addition, the Director may propose transfers to or from any subcategory exceeding $500,000. An explanation of any proposed transfer under this subsection must be transmitted in writing to the Committee on Science of the House of Representatives, and the Committees on Labor and Human Resources and Commerce, Science, and Transportation of the Senate. The proposed transfer may be made only when 30 calendar days have passed after transmission of such written explanation.

Subtitle B—General Provisions

SEC. 121. ANNUAL REPORT.

Section 3(f) of the National Science Foundation Act of 1950 (42 U.S.C. 1862(f)) is amended to read as follows:

''(f) The Foundation shall provide an annual report to the President which shall be submitted by the Director to the Congress at the time of the President's annual budget submission. The report shall—

''(1) contain a strategic plan, or an update to a previous strategic plan, which—

''(A) defines for a three-year period the overall goals for the Foundation and specific goals for each major activity of the Foundation, including each scientific directorate, the education directorate, and the polar programs office; and

''(B) describe how the identified goals relate to national needs and will exploit new opportunities in science and technology;

''(2) identify the criteria and describe the procedures which the Foundation will use to assess progress toward achieving the goals identified in accordance with paragraph (1);

''(3) review the activities of the Foundation during the preceding year which have contributed toward achievement of goals identified in accordance with paragraph (1) and summarize planned activities for the coming three years in the context of the identified goals, with particular emphasis on the Foundation's planned contributions to major multi-agency research and education initiatives;

''(4) contain such recommendations as the Foundation considers appropriate; and

''(5) include information on the acquisition and disposition by the Foundation of any patents and patent rights.''.

SEC. 122. NATIONAL RESEARCH FACILITIES.

(a) FACILITIES PLAN.—The Director shall provide to Congress annually, as a part of the report required under section 3(f) of the National Science Foundation Act of 1950, a plan for the proposed construction of, and repair and upgrades to, national research facilities. The plan shall include estimates of the cost for such construction, repairs, and upgrades, and estimates of the cost for the operation and maintenance of existing and proposed new facilities. For proposed new construction and for major upgrades to existing facilities, the plan shall include funding profiles by fiscal year and milestones for major phases of the construction. The plan shall include cost estimates in the categories of construction, repair, and upgrades for the year in which the plan is submitted to Congress and for not fewer than the succeeding 4 years.

(b) LIMITATION ON OBLIGATION OF UNAUTHORIZED APPROPRIATIONS.—No funds appropriated for any project which involves construction of new national research facilities or construction necessary for upgrading the capabilities of existing national research facilities shall be obligated unless the funds are specifically authorized for such purpose by this title or any other Act which is not an appropriations Act, or unless the total estimated cost to the Foundation of the construction project is less than $50,000,000. This subsection shall not apply to construction projects approved by the National Science Board prior to June 30, 1994.

SEC. 123. ELIGIBILITY FOR RESEARCH FACILITY AWARDS.

Section 203(b) of the Academic Research Facilities Modernization Act of 1988 is amended by striking the final sentence of paragraph (3) and inserting in lieu thereof the following: ''The Director shall give priority to institutions or consortia that have not received such funds in the preceding 5 years, except that this sentence shall not apply to previous funding received for the same multiyear project.''.

SEC. 124. ADMINISTRATIVE AMENDMENTS.

(a) NATIONAL SCIENCE FOUNDATION ACT OF 1950 AMENDMENTS.—The National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.) is amended—

(1) by redesignating the subsection (k) of section 4 (42 U.S.C. 1863(k)) that was added by section 108 of the National Science Foundation Authorization Act of 1988 as subsection (l);

(2) in section 5(e) (42 U.S.C. 1864(e)) by amending paragraph (2) to read as follows:

''(2) Any delegation of authority or imposition of conditions under paragraph (1) shall be promptly published in the Federal Register and reported to the Committees on Labor and Human Resources and Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.'';

(3) by inserting ''be entitled to'' between ''shall'' and ''receive'', and by inserting '', including traveltime,'' after ''Foundation'' in section 14(c) (42 U.S.C. 1873(c));

(4) by striking section 14(j) (42 U.S.C. 1873(j)); and

(5) by striking ''Atomic Energy Commission'' in section 15(a) (42 U.S.C. 1874(a)) and inserting in lieu thereof ''Secretary of Energy''.

(b) NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT, 1976 AMENDMENTS.—Section 6(a) of the National Science Foundation Authorization Act, 1976 (42 U.S.C. 1881a(a)) is amended by striking ''social,'' the first place it appears.

(c) NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1988 AMENDMENTS.—(1) Section 117(a)(1)(B)(v) of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1881b(1)(B)(v)) is amended to read as follows:

''(v) from schools established outside the several States and the District of Columbia by any agency of the Federal Government for dependents of its employees.''.

(2) Section 117(a)(3)(A) of such Act (42 U.S.C. 1881b(3)(A)) is amended by striking ''Science and Engineering Education'' and inserting in lieu thereof ''Education and Human Resources''.

(d) EDUCATION FOR ECONOMIC SECURITY ACT AMENDMENTS.—Section 107 of Education for Economic Security Act (20 U.S.C. 3917) is repealed.

(e) TECHNICAL AMENDMENT.—The second subsection (g) of section 3 of the National Science Foundation Act of 1950 is repealed.

SEC. 125. INDIRECT COSTS.

(a) MATCHING FUNDS.—Matching funds required pursuant to section 204(a)(2)(C) of the Academic Research Facilities Modernization Act of 1988 (42 U.S.C. 1862c(a)(2)(C)) shall not be considered facilities costs for purposes of determining indirect cost rates.

(b) REPORT.—The Director of the Office of Science and Technology Policy, in consultation with other relevant agencies, shall prepare a report analyzing what steps would be needed to—

(1) reduce by 10 percent the proportion of Federal assistance to institutions of higher education that are allocated for indirect costs; and

(2) reduce the variance among indirect cost rates of different institutions of higher education,

including an evaluation of the relative benefits and burdens of each option on institutions of higher education. Such report shall be transmitted to the Congress no later than December 31, 1995.

SEC. 126. RESEARCH INSTRUMENTATION AND FACILITIES.

The Foundation shall incorporate the guidelines set forth in Important Notice No. 91, dated March 11, 1983 (48 Fed. Reg. 15754, April 12, 1983), relating to the use and operation of Foundation-supported research instrumentation and facilities, in its notice of Grant General Conditions, and shall examine more closely the adherence of grantee organizations to such guidelines.

SEC. 127. FINANCIAL DISCLOSURE.

Persons temporarily employed by or at the Foundation shall be subject to the same financial disclosure requirements and related sanctions under the Ethics in Government Act of 1978 as are permanent employees of the Foundation in equivalent positions.

SEC. 128. EDUCATIONAL LEAVE OF ABSENCE FOR ACTIVE DUTY.

In order to be eligible to receive funds from the Foundation after September 30, 1995, an institution of higher education must provide that whenever any student of the institution who is a member of the National Guard, or other reserve component of the Armed Forces of the United States, is called or ordered to active duty, other than active duty for training, the institution shall grant the member a military leave of absence from their education. Persons on military leave of absence from their institution shall be entitled, upon release from military duty, to be restored to the educational status they had attained prior to their being ordered to military duty without loss of academic credits

earned, scholarships or grants awarded, or tuition and other fees paid prior to the commencement of the military duty. It shall be the duty of the institution to refund tuition or fees paid or to credit the tuition and fees to the next semester or term after the termination of the educational military leave of absence at the option of the student.

SEC. 129. SCIENCE STUDIES INSTITUTE.

(a) AMENDMENT.—Section 822 of the National Defense Authorization Act for Fiscal 1991 (42 U.S.C. 6686) is amended—

(1) by striking ''Critical Technologies Institute'' in the section heading and in subsection (a), and inserting in lieu thereof ''Science Studies Institute'';

(2) in subsection (b) by striking ''As determined by the chairman of the committee referred to in subsection (c), the'' and inserting in lieu thereof ''The'';

(3) by striking subsection (c), and redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively;

(4) in subsection (c), as so redesignated by paragraph (3) of this subsection—

(A) by inserting ''science and'' after ''developments and trends in'' in paragraph (1);

(B) by striking ''with particular emphasis'' in paragraph (1) and all that follows through the end of such paragraph and inserting in lieu thereof ''and developing and maintaining relevant informational and analytical tools.'';

(C) by striking ''to determine'' and all that follows through ''technology policies'' in paragraph (2) and inserting in lieu thereof ''with particular attention to the scope and content of the Federal science and technology research and develop portfolio as it affects interagency and national issues'';

(D) by amending paragraph (3) to read as follows:

''(3) Initiation of studies and analysis of alternatives available for ensuring the long-term strength of the United States in the development and application of science and technology, including appropriate roles for the Federal Government, State governments, private industry, and institutions of higher education in the development and application of science and technology.'';

(E) by inserting ''science and'' after ''Executive branch on'' in paragraph (4)(A); and

(F) by amending paragraph (4)(B) to read as follows:

''(B) to the interagency committees and panels of the Federal Government concerned with science and technology.'';

(5) in subsection (d), as so redesignated by paragraph (3) of this subsection, by striking ''subsection (d)'' and inserting in lieu thereof ''subsection (c)''; and

(6) by amending subsection (f), as so redesignated by paragraph (3) of this subsection, to read as follows:

''(f) SPONSORSHIP.—The Director of the Office of Science and Technology Policy shall be the sponsor of the Institute.''.

(b) CONFORMING USAGE.—All references in Federal law or regulations to the Critical Technologies Institute shall be considered to be references to the Science Studies Institute.

SEC. 130. EDUCATIONAL IMPACT.

(a) FINDINGS.—The Congress finds that—

(1) Federal research funds made available to institutions of higher education often create incentives for such institutions to emphasize research over undergraduate teaching and to narrow the focus of their graduate programs; and

(2) National Science Foundation funds for Research and Related Activities should be spent in the manner most likely to improve the quality of undergraduate and graduate education in institutions of higher education.

(b) EDUCATIONAL IMPACT.—(1) The impact that a grant or cooperative agreement by the National Science Foundation would have on undergraduate and graduate education at an institution of higher education shall be a factor in any decision whether to award such grant or agreement to that institution.

(2) Paragraph (1) shall be effective with respect to any grant or cooperative agreement awarded after September 30, 1996.

(c) REPORT.—The Director shall provide a plan for the implementation of subsection (b) of this section, no later than December 31, 1995, to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Labor and Human Resources of the Senate.

TITLE II—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Subtitle A—General Provisions

SEC. 201. SHORT TITLE.

This title may be cited as the ''National Aeronautics and Space Administration Authorization Act, Fiscal Year 1996''.

SEC. 202. FINDINGS.

The Congress finds that—

(1) a balanced civil space program is a critical element of the Nation's investment in research and development that needs to be maintained even as the United States reduces its deficit;

(2) the National Aeronautics and Space Administration will require predictable and adequate funding over the next 5 years in order to carry out a balanced program of initiatives in human space flight and science, aeronautics, and technology;

(3) international cooperation can play a major role in leveraging American investments in space exploration and utilization and should be encouraged; and

(4) the National Aeronautics and Space Administration should continue its efforts to reduce institutional costs, through management restructuring, facility consolidation when appropriate, procurement reform, personnel base downsizing, and convergence with other defense and private sector systems.

SEC. 203. DEFINITION.

For purposes of this title, the term ''Administrator'' means the Administrator of the National Aeronautics and Space Administration.

Subtitle B—Authorization of Appropriations

PART I—AUTHORIZATIONS

SEC. 211. HUMAN SPACE FLIGHT.

(a) AUTHORIZATIONS.—There are authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 1996 for Human Space Flight the following amounts:

(1) For Russian Cooperation, $100,000,000.

(2) For the Space Shuttle, $3,171,800,000.

(3) For Payload and Utilization Operations, $315,000,000.

(b) CONSTRUCTION OF FACILITIES.—(1) Of the funds authorized to be appropriated under subsection (a)(2), $7,500,000 are authorized for replacement of the Chemical Analysis Facility, Kennedy Space Center.

(2) Of the funds authorized to be appropriated under subsection (a)(2), $4,900,000 are authorized for replacement of the Space Shuttle Main Engine Processing Facility, Kennedy Space Center.

(3) Of the funds authorized to be appropriated under subsection (a)(2), $5,000,000 are authorized for modernization of the Firex System, Pads A and B, Kennedy Space Center.

SEC. 212. SCIENCE, AERONAUTICS, AND TECHNOLOGY.

(a) AUTHORIZATIONS.—There are authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 1996 for Science, Aeronautics, and Technology the following amounts:

(1) For Space Science, $1,972,400,000, of which—

(A) $1,154,600,000 are authorized for Physics and Astronomy, including $7,000,000 for the Space Infrared Telescope Facility, $28,700,000 for the Stratospheric Observatory for Infrared Astronomy, and $51,500,000 for the Gravity Probe B Relativity Mission; and

(B) $817,800,000 are authorized for Planetary Exploration, including $20,000,000 for the New Millenium program.

(2) For Life and Microgravity Sciences and Applications, $293,200,000.

(3) For Mission to Planet Earth, $1,283,360,000.

(4) For Space Access and Technology, $520,200,000, of which—

(A) $59,000,000 are authorized for the Reusable Launch Vehicle technology development program, and, to the extent provided in appropriations Acts, the Administrator may utilize up to $100,000,000 from funds otherwise provided to the Department of Defense for the Reusable Launch Vehicle;

(B) $140,500,000 are authorized for Spacecraft and Remote Sensing; and

(C) $22,600,000 are authorized for the Small Spacecraft Technology Initiative.

(5) For Aeronautical Research and Technology, $877,300,000, of which—

(A) $354,700,000 are authorized for Research and Technology Base activities;

(B) $240,500,000 are authorized for High Speed Research;

(C) $163,400,000 are authorized for Advanced Subsonic Technology; and

(D) $65,200,000 are authorized for High Performance Computing and Communications.

(6) For Mission Communication Services, $461,300,000.

(7) For Academic Programs, $102,200,000.

(b) CONSTRUCTION OF FACILITIES.—(1) Of the funds authorized to be appropriated under subsection (a)(2), $3,000,000 are authorized for the construction of an addition to the Microgravity Development Laboratory, Marshall Space Flight Center.

(2) Of the funds authorized to be appropriated under subsection (a)(3), $17,000,000 are authorized for construction of Earth Systems Science Building, Goddard Space Flight Center.

(3) Of the funds authorized to be appropriated under subsection (a)(5), $5,400,000 are authorized for modernization of the Unitary Plan Wind Tunnel Complex, Ames Research Center.

SEC. 213. MISSION SUPPORT.

There are authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 1996 for Mission Support the following amounts:

(1) For Safety, Reliability, and Quality Assurance, $37,600,000.

(2) For Space Communications Services, $299,400,000, of which $175,800,000 are authorized for the Tracking and Data Relay Satellite Replenishment program.

(3) For Research and Program Management, including personnel and related costs, travel, and research operations support, $2,094,800,000.

(4) For Construction of Facilities, including land acquisition, $166,400,000, of which—

(A) $6,300,000 are authorized for restoration of Flight Systems Research Laboratory, Ames Research Center;

(B) $3,000,000 are authorized for restoration of Chilled Water Distribution System, Goddard Space Flight Center;

(C) $4,800,000 are authorized for replacement of Chillers, various buildings, Jet Propulsion Laboratory;

(D) $1,100,000 are authorized for rehabilitation of Electrical Distribution System,

White Sands Test Facility, Johnson Space Center;

(E) $4,200,000 are authorized for replacement of Main Substation Switchgear and Circuit Breakers, Johnson Space Center;

(F) $1,800,000 are authorized for replacement of 15KV Load Break Switches, Kennedy Space Center;

(G) $9,000,000 are authorized for rehabilitation of Central Air Equipment Building, Lewis Research Center;

(H) $4,700,000 are authorized for restoration of High Pressure Air Compressor System, Marshall Space Flight Center;

(I) $6,800,000 are authorized for restoration of Information and Electronic Systems Laboratory, Marshall Space Flight Center;

(J) $1,400,000 are authorized for restoration of Canal Lock, Stennis Space Center;

(K) $2,500,000 are authorized for restoration of Primary Electrical Distribution System, Wallops Flight Facility;

(L) $35,000,000 are authorized for repair of facilities at various locations, not in excess of $1,500,000 per project;

(M) $35,000,000 are authorized for rehabilitation and modification of facilities at various locations, not in excess of $1,500,000 per project;

(N) $3,800,000 are authorized for minor construction of new facilities and additions to existing facilities at various locations, not in excess of $1,500,000 per project;

(O) $10,000,000 are authorized for facility planning and design; and

(P) $37,000,000 are authorized for environmental compliance and restoration.

SEC. 214. INSPECTOR GENERAL.

There are authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 1996 for Inspector General, $17,300,000.

SEC. 215. TOTAL CONSTRUCTION OF FACILITIES AUTHORIZATION.

Notwithstanding any other provision of this subtitle, the total amount authorized to be appropriated under this title for Construction of Facilities shall not exceed $199,200,000.

PART II—LIMITATIONS AND SPECIAL AUTHORITY

SEC. 221. USE OF FUNDS FOR CONSTRUCTION.

(a) AUTHORIZED USES.—Funds appropriated under sections 211(a), 212(a), and 213(1) and (2), and funds appropriated for research operations support under section 213(3), may be used for the construction of new facilities and additions to, repair of, rehabilitation of, or modification of existing facilities at any location in support of the purposes for which such funds are authorized.

(b) LIMITATION.—None of the funds used pursuant to subsection (a) may be expended for a project, the estimated cost of which to the National Aeronautics and Space Administration, including collateral equipment, exceeds $500,000, until 30 days have passed after the Administrator has notified the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost to the National Aeronautics and Space Administration of such project.

(c) TITLE TO FACILITIES.—If funds are used pursuant to subsection (a) for grants to institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities, title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in the grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom the benefits adequate to justify the making of that grant.

SEC. 222. AVAILABILITY OF APPROPRIATED AMOUNTS.

To the extent provided in appropriations Acts, appropriations authorized under part I may remain available without fiscal year limitation.

SEC. 223. REPROGRAMMING FOR CONSTRUCTION OF FACILITIES.

Appropriations authorized under section 211(b), 212(b), or 213(4)—

(1) may be varied upward by 10 percent at the discretion of the Administrator; or

(2) may be varied upward by 25 percent, to meet unusual cost variations, after the expiration of 30 days following a report on the circumstances of such action by the Administrator to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

The aggregate amount authorized to be appropriated under sections 211(b), 212(b), and 213(4) shall not be increased as a result of actions authorized under paragraphs (1) and (2) of this section.

SEC. 224. CONSIDERATION BY COMMITTEES.

Notwithstanding any other provision of this title—

(1) no amount appropriated to the National Aeronautics and Space Administration may be used for any program for which the President's annual budget request included a request for funding, but for which the Congress denied or did not provide funding;

(2) no amount appropriated to the National Aeronautics and Space Administration may be used for any program in excess of the amount actually authorized for the particular program by part I; and

(3) no amount appropriated to the National Aeronautics and Space Administration may be used for any program which has not been presented to the Congress in the President's annual budget request or the supporting and ancillary documents thereto,

unless a period of 30 days has passed after the receipt by the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of notice given by the Administrator containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action. The National Aeronautics and Space Administration shall keep the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate fully and currently informed with respect to all activities and responsibilities within the jurisdiction of those committees. Except as otherwise provided by law, any Federal department, agency, or independent establishment shall furnish any information requested by either committee relating to any such activity or responsibility.

SEC. 225. USE OF FUNDS FOR SCIENTIFIC CONSULTATIONS OR EXTRAORDINARY EXPENSES.

Funds appropriated under section 212 may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the authorization of the Administrator.

Subtitle C—Miscellaneous Provisions

SEC. 231. PURCHASE OF AIRBORNE INFRARED ASTRONOMY DATA SERVICES.

(a) CONTRACT FOR SERVICES.—The Administrator is authorized to enter into multiyear contracts for the purchase of services to provide infrared astronomical data by airborne platforms. Such contracts may provide for the acquisition of aircraft, instruments, support equipment, and any capital items necessary to meet Government needs, and further, the costs of such items may be amortized over the life of the contract.

(b) TERMINATION LIABILITY.—Any contract entered into pursuant to this section may provide for the payment of contingent liability that may accrue in the event that the Federal Government for its convenience terminates such contracts. Payments made for such liability shall be derived from appropriations for Science, Aeronautics, and Technology which remain unobligated from any fiscal year.

(c) CALCULATION OF TRANSACTIONS.—For the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, the Congressional Budget Act of 1974, the Budget Enforcement Act of 1990, and scorekeeping guidelines, the Office of Management and Budget and the Congressional Budget Office shall score any contract entered into under this section in the same manner as if the contract had been entered into on September 30, 1990.

SEC. 232. FACILITIES CLOSING COMMISSION.

(a) ESTABLISHMENT.—In the event that the total amount of funds appropriated to the National Aeronautics and Space Administration for fiscal year 1996 is less than the amount authorized to be appropriated to the National Aeronautics and Space Administration in this title, there shall be established an independent commission to be known as the National Aeronautics and Space Administration Facilities Commission (hereafter referred to in this section as the ''Commission''). The Commission shall be constituted and conduct its activities in accordance with a plan provided to Congress by the President within 90 days after the date of the enactment of the Act making such appropriations.

(b) PURPOSE.—The purpose of the Commission shall be to make recommendations for the closure or reconfiguration of National Aeronautics and Space Administration facilities, including research and operations Centers, resulting in cost savings for the overall budget for such facilities.

TITLE III—DEPARTMENT OF ENERGY

SEC. 301. SHORT TITLE.

This title may be cited as the ''Energy Research and Development Act of 1995''.

SEC. 302. FINDINGS.

The Congress finds that—

(1) Federal support of research and development in general, and energy research and development in particular, has played a key role in the growth of the United States economy since World War II through the production of new knowledge, the development of new technologies and processes, and the demonstration of such new technologies and processes for application to industrial and other uses;

(2) Federal support of energy research and development is especially important because such research and development contributes to solutions for national problems in energy security, environmental restoration, and economic competitiveness;

(3) the Department of Energy has successfully promoted new technologies and processes to address problems with energy supply, fossil energy, and energy conservation through its various research and development programs;

(4) while the Federal budget deficit and payments on the national debt must be addressed through cost-cutting measures, investments in basic research and research and development on key energy issues must be maintained;

(5) within the last two years, the Department of Energy has made great strides in

managing its programs more efficiently and effectively;

(6) significant savings should result from these measures without hampering the Department's core missions; and

(7) the Strategic Realignment Initiative and other such efforts of the Department should be continued.

SEC. 303. DEFINITIONS.

For purposes of this title—

(1) the term ''Department'' means the Department of Energy; and

(2) the term ''Secretary'' means the Secretary of Energy.

SEC. 304. ENERGY CONSERVATION.

There are authorized to be appropriated to the Secretary for fiscal year 1996 for energy conservation research, development, and demonstration—

(1) $62,700,000 for energy conservation in buildings;

(2) $121,700,000 for energy conservation by industry;

(3) $185,700,000 for energy conservation in the transportation sector;

(4) no funds for energy conservation by utilities;

(5) $36,400,000 for technical and financial assistance; and

(6) $7,000,000 for policy and management activities.

SEC. 305. FOSSIL ENERGY.

There are authorized to be appropriated to the Secretary for fiscal year 1996 for fossil energy research, development, and demonstration—

(1) $114,900,000 for coal;

(2) $81,700,000 for petroleum;

(3) $116,300,000 for gas;

(4) no funds for the Fossil Energy Cooperative Research and Development Program;

(5) $2,000,000 for fuels;

(6) $64,000,000 for program direction and management;

(7) $3,000,000 for plant and capital improvements; and

(8) $16,400,000 for environmental restoration.

SEC. 306. HIGH ENERGY AND NUCLEAR PHYSICS.

(a) AUTHORIZATIONS.—There are authorized to be appropriated to the Secretary for fiscal year 1996 for high energy and nuclear physics activities of the Department—

(1) $665,000,000 for high energy physics activities;

(2) $321,100,000 for nuclear physics activities; and

(3) $9,000,000 for program direction.

(b) REPORT TO CONGRESS.—Before May 1, 1996, the Secretary, after consultation with the high energy and nuclear physics communities, shall prepare and transmit to the Congress a strategic plan for the high energy and nuclear physics activities of the Department, assuming a combined budget of $900,000,000 for all activities authorized under this section for each of the fiscal years 1997, 1998, 1999, and 2000. The report shall include—

(1) a list of research opportunities to be pursued, including both ongoing and proposed activities;

(2) an analysis of the relevance of each research facility to the research opportunities listed under paragraph (1):

(3) a statement of the optimal balance among facility operations, construction, and research support and the optimal balance between university and laboratory research programs;

(4) schedules for the continuation, consolidation, or termination of each research program, and continuation, upgrade, transfer, or closure of each research facility; and

(5) a statement by project of efforts to coordinate research projects with the international community to maximize the use of limited resources and avoid unproductive duplication of efforts.

SEC. 307. SOLAR AND RENEWABLE ENERGY.

There are authorized to be appropriated to the Secretary for fiscal year 1996 for solar and renewable energy research, development, and demonstration—

(1) $263,000,000 for solar energy;

(2) $30,000,000 for geothermal energy;

(3) $25,000,000 for hydrogen energy;

(4) $500,000 for hydropower;

(5) $34,700,000 for electric energy systems; and

(6) $5,200,000 for energy storage systems.

SEC. 308. NUCLEAR ENERGY.

(a) AUTHORIZATIONS.—There are authorized to be appropriated to the Secretary for fiscal year 1996 for nuclear energy research, development, and demonstration—

(1) $161,000,000 for nuclear energy, including $49,740,000 for the Advanced Light Water Reactor program;

(2) $69,700,000 for the termination of certain facilities; and

(3) $25,400,000 for isotope support.

(b) PROHIBITIONS.—None of the funds authorized in this title for any fiscal year may be used for the Soviet Design Reactor Safety Initiative or the Russian Replacement Power Initiative.

(c) NATIONAL ACADEMY OF SCIENCES REPORT.—The Secretary shall enter into an agreement with the National Academy of Sciences for such Academy to conduct a study of the Gas Turbine-Modular Helium Reactor, and report the results of such study to the Congress by December 31, 1995. Such study shall consider the technical feasibility and economic potential of such reactor design.

SEC. 309. CIVILIAN WASTE; ENVIRONMENT, SAFETY, AND HEALTH.

There are authorized to be appropriated to the Secretary for fiscal year 1996 for research, development, and demonstration—

(1) $700,000 for civilian waste; and

(2) $143,900,000 for environment, safety, and health.

SEC. 310. LONG-TERM INITIATIVES.

(a) AUTHORIZATIONS.—There are authorized to be appropriated to the Secretary for fiscal year 1996—

(1) $429,500,000 for biological and environmental research activities;

(2) $275,000,000 for fusion energy research, development, and demonstration, including a fusion research program using the Tokamak Fusion Test Reactor, except that no funds authorized by this title for fiscal year 1996 or 1997 may be used for construction of the Tokamak Physics Experiment; and

(3) $761,000,000 for basic energy sciences research activities.

(b) REPORT TO CONGRESS.—Before May 1, 1996, the Secretary, after consultation with the relevant scientific communities, shall prepare and transmit to the Congress a report detailing a strategic plan for the operation of facilities that are provided funds authorized by subsection (a)(3). The report shall include—

(1) a list of such facilities, including schedules for continuation, upgrade, transfer, or closure of each facility;

(2) a list of proposed facilities to be provided funds authorized by subsection (a)(3), including schedules for the construction and operation of each facility;

(3) a list of research opportunities to be pursued, including both ongoing and proposed activities, by the research activities authorized by subsection (a)(3); and

(4) an analysis of the relevance of each facility listed in paragraphs (1) and (2) to the research opportunities listed in paragraph (3).

SEC. 311. SUPPORT PROGRAMS FOR ENERGY SUPPLY RESEARCH AND DEVELOPMENT.

There are authorized to be appropriated to the Secretary for fiscal year 1996 for support programs for Energy Supply Research and Development—

(1) $1,400,000 for Energy Research Analyses;

(2) $40,000,000 for Laboratory Technology Transfer;

(3) $7,700,000 for advisory and oversight activities;

(4) $25,000,000 for the Multi-Program Energy Laboratory program;

(5) $4,000,000 for policy and management of Energy Supply Research and Development;

(6) $2,000,000 for policy and management of the energy research programs;

(7) $20,000,000 for University and Science Education programs;

(8) $10,000,000 for the Technology Information Management Program;

(9) $2,000,000 for the Technology Partnership;

(10) $15,000,000 for In-House Energy Management; and

(11) $642,000,000 for Civilian Environmental Restoration and Waste Management.

SEC. 312. LIMITATION.

None of the funds authorized by this title shall be used at the Idaho National Engineering Laboratory after June 1, 1996, with the exception of funds authorized by sections 309 and 311(11).

SEC. 313. ADDITIONAL AUTHORIZATIONS.

There are authorized to be appropriated to the Secretary for each of the fiscal years 1997, 1998, 1999, and 2000 $4,342,000,000 for carrying out the activities authorized by this title.

SEC. 314. SENSE OF CONGRESS.

It is the sense of the Congress that $100,000,000 previously appropriated for the Clean Coal Technology Program should be returned to the Treasury, and that $220,000,000 of funds previously appropriated for activities for which funds are authorized by this title, and allocated for a specific location by the Congress, should also be returned to the Treasury.

TITLE IV—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SEC. 401. SHORT TITLE.

This title may be cited as the ''National Oceanic and Atmospheric Administration Authorization Act of 1995''.

SEC. 402. POLICY AND PURPOSE.

It is the policy of the United States and the purpose of this title to—

(1) support and promote continuing the mission of the National Oceanic and Atmospheric Administration to monitor, describe and predict changes in the Earth's environment, protect lives and property, and conserve and manage the Nation's coastal and marine resources to ensure sustainable economic opportunities;

(2) affirm that such mission involves basic responsibilities of the Federal Government for ensuring general public safety, national security, and environmental well-being, and promising economic growth;

(3) affirm that the successful execution of such mission depends strongly on interdependency and synergism among component activities of the National Oceanic and Atmospheric Administration;

(4) recognize that the activities of the National Oceanic and Atmospheric Administration underlie the societal and economic well-being of many sectors of our Nation; and

(5) recognize that such mission is most effectively performed by a single Federal agency with the capability to link societal and economic decisions with a comprehensive understanding of the Earth's environment, as provided for in this title.

SEC. 403. NATIONAL WEATHER SERVICE OPERATIONS AND RESEARCH.

There are authorized to be appropriated to the Secretary of Commerce to enable the National Oceanic and Atmospheric Administration to carry out the operations and research activities of the National Weather Service $483,124,000 for fiscal year 1996.

SEC. 404. NATIONAL WEATHER SERVICE SYSTEMS ACQUISITION.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Commerce to enable the National Oceanic and Atmospheric Administration to improve its public warning and forecast systems $90,343,000 for fiscal year 1996. None of the funds authorized under this section may be used for the purposes for which funds are authorized under section 102(b) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (Public Law 102–567).

(b) CONTRACTOR ACTIVITIES.—Activities of any non-Federal entity, including the purchase, transportation, receipt, and installation of property and materials, on behalf of the National Oceanic and Atmospheric Administration pursuant to the modernization of the National Weather Service as set forth in the Weather Service Modernization Act (title VII of Public Law 102–567), are hereby expressly exempted from taxation in any manner or form by any State, county, or municipality, or any subdivision thereof.

(c) REPEAL.—Section 102(b)(2) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 is repealed.

SEC. 405. WEATHER SERVICE MODERNIZATION.

(a) AMENDMENTS.—The Weather Service Modernization Act is amended—

(1) in section 706—

(A) by striking ''60-day'' in subsection (c)(2) and inserting in lieu thereof ''30-day'';

(B) by amending subsection (b)(6) to read as follows:

''(6) any recommendations of the Committee submitted under section 707(c) that evaluate the certification.'';

(C) by amending subsection (d) to read as follows:

''(d) FINAL DECISION.—If the Secretary decides to close, consolidate, automate, or relocate any such field office, the Secretary shall publish the certification in the Federal Register and submit the certification to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.''; and

(D) by amending subsection (f) to read as follows:

''(f) PUBLIC LIAISON.—The Secretary shall maintain for a period of at least two years after the closure of any weather office a program to—

''(1) provide timely information regarding the activities of the National Weather Service which may affect service to the community, including modernization and restructuring; and

''(2) work with area weather service users, including persons associated with general aviation, civil defense, emergency preparedness, and the news media, with respect to the provision of timely weather warnings and forecasts.''; and

(2) by amending section 707(c) to read as follows:

''(c) DUTIES.—The Committee may review any certification under section 706, for which the Secretary has provided a notice of intent to certify, in the plan, including any certification for which there is a significant potential for degradation of service within the affected area. Upon the request of the Committee, the Secretary shall make available to the Committee the supporting documents developed by the Secretary in connection with the certification. The Committee shall evaluate any certification reviewed on the basis of the modernization criteria and with respect to the requirement that there be no degradation of service, and advise the Secretary accordingly.''.

(b) SENSE OF CONGRESS REGARDING ADDITIONAL MODERNIZATION ACTIVITIES.—It is the sense of Congress that the Secretary of Commerce should plan for the implementation of a follow-on modernization program aimed at improving weather services provided to areas which do not receive weather radar coverage at 10,000 feet. In carrying out such a program, the Secretary should plan for a procurement of Block II NEXRAD radar units.

SEC. 406. BASIC FUNCTIONS AND PRIVATIZATION OF NATIONAL WEATHER SERVICE .

(a) BASIC FUNCTIONS.—The basic functions of the National Weather Service shall be—

(1) the provision of forecasts and warnings including forecasts and warnings, of severe weather, flooding, hurricanes, and tsunami events;

(2) the collection, exchange, and distribution of meteorological, hydrologic, climatic, and oceanographic data and information; and

(3) the preparation of hydrometeorological guidance and core forecast information.

(b) PROHIBITION.—The National Weather Service shall not provide any new or enhanced weather services for the sole benefit of an identifiable private entity or group of such entities operating in any sector of the national or international economy in competition with the private weather service industry.

(c) NEW OR ENHANCED SERVICE.—If the Secretary determines, after consultation with appropriate Federal and State officials, that a new or enhanced weather service is necessary and in the public interest to fulfill the international obligations of the United States, to enable State or Federal emergency or resource managers to better perform their State or Federal duties, or to carry out the functions of the National Weather Service described in subsection (a), the National Weather Service may provide such new or enhanced service as one of its basic functions if—

(1) each new or enhanced service provided by the National Weather Service will be limited to the level that the Secretary determines necessary to fulfill the requirements of this subsection, taking into account the capabilities and limitations of resources available, scientific knowledge, and technological capability of the National Weather Service; and

(2) upon request, the National Weather Service will promptly make available to any person the data or data products supporting the new or enhanced service provided pursuant to this section, at a cost not greater than that sufficient to recover the cost of dissemination.

(d) FEDERAL REGISTER.—The Secretary shall promptly publish in the Federal Register each determination made under subsection (c).

(e) PRIVATIZATION REVIEW.—The Secretary shall, by February 15, 1996, conduct a review of all existing weather services and activities performed by the National Oceanic and Atmospheric Administration in order to identify those activities which may be transferred to the private sector. Such review shall include a determination that activities identified for privatization will continue to be disseminated to users on a reasonably affordable basis with no degradation of service. The Secretary shall, by March 15, 1996, provide to the Speaker of the House of Representatives and the President of the Senate a plan for transferring these identified services to the private sector.

SEC. 407. CLIMATE AND AIR QUALITY RESEARCH.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its climate and air quality research activities $139,238,000 for fiscal year 1996.

(b) GLOBE.—Of the amount authorized in subsection (a), $7,000,000 are authorized for fiscal year 1996 for a program to increase scientific understanding of the Earth and student achievement in math and science by using a worldwide network of schools to collect environmental observations. Beginning in fiscal year 1996, amounts appropriated for such program may be obligated only to the extent that an equal or greater amount of non-Federal funding is provided for such program.

SEC. 408. ATMOSPHERIC RESEARCH.

There are authorized to be appropriated to the Secretary of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its atmospheric research activities $46,909,000 for fiscal year 1996.

SEC. 409. OCEANS AND GREAT LAKES PROGRAMS.

(a) MARINE PREDICTION RESEARCH.—There are authorized to be appropriated to the Secretary of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its oceans and Great Lakes research activities, including Marine Prediction Research, $14,984,000 for fiscal year 1996.

(b) SEA GRANT.—Section 212(a) and (b) of the National Sea Grant College Program Act (33 U.S.C. 1131 (a) and (b)) are amended to read as follows:

''(a) The Secretary shall maintain within the Administration a program to be known as the National Sea Grant College Program. The National Sea Grant College Program shall consist of the financial assistance and other activities provided for in this Act, and shall be administered by a National Sea Grant Office within the Administration. The Secretary shall establish long-range planning guidelines and priorities for, and adequately evaluate, this program.

''(b) There are authorized to be appropriated to carry out all aspects of the National Sea Grant College Program, including research directed toward zebra mussel and other aquatic nuisance mitigation, $49,400,000 for fiscal year 1996.''.

(c) NATIONAL UNDERSEA RESEARCH.—By February 15, 1996, the Administrator of the National Oceanic and Atmospheric Administration shall submit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report setting forth those specific actions taken to ensure that the research activities formerly carried out under the National Undersea Research Program are transferred to and sustained within other existing research programs of the National Oceanic and Atmospheric Administration. In providing for this transfer, the Administrator shall afford the maximum practicable consideration to extending the existing extramural grants and contracts of the National Undersea Research Program. Within the amounts authorized by this title, there are authorized such sums as may be necessary for carrying out the purposes of this subsection.

SEC. 410. SATELLITE OBSERVING AND ENVIRONMENTAL DATA MANAGEMENT SYSTEMS.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its satellite observing systems activities and data and information services, $357,381,000 for fiscal year 1996. None of the funds authorized

in this subsection may be used for the purposes for which funds are authorized under section 105(d) of the National Oceanic and Atmospheric Administration Act of 1992 (Public Law 102–567).

(b) METEOROLOGICAL SATELLITE ACQUISITION STRATEGIC PLAN.—By February 15, 1996, the Secretary of Commerce shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a strategic plan for the acquisition of meteorological satellite systems which provides options for reducing the annual costs of acquisition. The Secretary shall consider alternative contractual approaches including—

(1) single prime contracts which provide for satellite delivery on orbit;

(2) acquisition of data services rather than hardware procurement; and

(3) Government-private sector cost sharing.

(c) AMENDMENT TO THE LAND REMOTE SENSING ACT OF 1992.—Section 101 of the Land Remote Sensing Act of 1992 (15 U.S.C. 5601 et seq.) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection:

''(d) AUTHORITY TO RETAIN FEES.—The Landsat Program Management Member responsible for operation of the Landsat 7 system may retain fees collected from foreign ground stations and from other Landsat 7 data sales to offset the costs of operating the Landsat 7 system.''.

(d) SOLE SOURCE CONTRACTS.—Of the sums authorized under subsection (a) of this section, $44,561,000 for fiscal year 1996 are authorized to remain available until expended to procure additional Geostationary Operational Environmental NEXT satellites and instruments together with the launch and supporting ground systems for such satellites, to enter through the National Aeronautics and Space Administration into contracts and amendments or modifications of contracts with the developer of previous GOES–NEXT satellites to ensure and facilitate the acquisition of the additional GOES–NEXT satellites and instruments, if the Secretary of Commerce certifies to the Speaker of the House of Representatives and the President of the Senate that the exercise of such authority is necessary to ensure continuous service in geostationary satellite imagery equivalent to that provided by the GOES I–M system.

(e) INTERAGENCY FACILITY CONSOLIDATION.—By February 15, 1996, the Secretary, in consultation with the Administrator of the National Aeronautics and Space Administration, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a report assessing the costs and impacts on operations that would result from the consolidation of satellite command and control, and data acquisition and transfer functions now being carried out at the Satellite Operations Control Center and Command and Data Acquisition Centers with functionally compatible facilities located at the Goddard Space Flight Center.

(f) REPEAL.—Section 105(d)(2) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 is repealed.

SEC. 411. NATIONAL OCEAN SERVICE OBSERVATION AND ASSESSMENT.

There are authorized to be appropriated to the Secretary of Commerce to enable the National Oceanic and Atmospheric Administration to carry out observation and assessment activities $48,521,000 for fiscal year 1996.

SEC. 412. PROGRAM SUPPORT.

(a) EXECUTIVE DIRECTION AND ADMINISTRATIVE ACTIVITIES.—There are authorized to be appropriated to the Secretary of Commerce to enable the National Oceanic and Atmospheric Administration to carry out executive direction and administrative activities, including management, administrative support, provision of retired pay of National Oceanic and Atmospheric Administration commissioned officers, and policy development, $55,725,000 for fiscal year 1996.

(b) ACQUISITION, CONSTRUCTION, MAINTENANCE, AND OPERATION OF FACILITIES.—There are authorized to be appropriated to the Secretary of Commerce for acquisition, construction, maintenance, and operation of facilities of the National Oceanic and Atmospheric Administration $52,299,000 for fiscal year 1996.

(c) MARINE SERVICES.—There are authorized to be appropriated to the Secretary of Commerce to enable the National Oceanic and Atmospheric Administration to carry out marine service activities, including ship operations, maintenance, and support, $62,011,000 for fiscal year 1996.

(d) AIRCRAFT SERVICES.—There are authorized to be appropriated to the Secretary of Commerce to enable the National Oceanic and Atmospheric Administration to carry out aircraft services activities, including aircraft operations, maintenance, and support, $10,248,000 for fiscal year 1996.

(e) VOLUNTARY SEPARATIONS AND RETIREMENTS.—To ease the transition into the civilian workforce of members of the National Oceanic and Atmospheric Administration Commissioned Officer Corps and to facilitate the reduction of active duty officers—

(1) section 1174a of title 10, United States Code, shall apply to the NOAA Corps in the same manner and to the same extent as that provision applies to the Department of Defense, and the Secretary of Commerce shall implement the provisions of that section with respect to the NOAA Corps and apply the applicable provisions of title 33, United States Code, relating to separation of NOAA Corps personnel; and

(2) section 4403(a) and (g) through (i) of the Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2315) shall apply to the NOAA Corps in the same manner and to the same extent as those provisions apply to the Department of Defense, and the Secretary of Commerce shall implement those provisions with respect to the NOAA Corps and apply the applicable provisions of title 33, United States Code, relating to retirement of NOAA Corps personnel.

SEC. 413. NOAA FLEET MODERNIZATION.

There are authorized to the Secretary of Commerce to enable the National Oceanic and Atmospheric Administration to carry out fleet modernization activities, including repair, construction, acquisition, leasing, charter, or conversion of vessels, including related equipment to maintain and modernize the existing fleet and to continue planning the modernization of the fleet, $5,950,000 for fiscal year 1996.

SEC. 414. EDUCATIONAL PROGRAMS AND ACTIVITIES.

The Secretary of Commerce may conduct educational programs and activities related to the responsibilities of the National Oceanic and Atmospheric Administration. For the purposes of this section, the Secretary may award grants and enter into cooperative agreements and contracts with States, private sector, and nonprofit entities.

SEC. 415. SUBPOENA.

(a) GENERAL RULE.—Except as provided in subsection (c), no employee of the National Weather Service shall give testimony or introduce evidence before any court in any proceeding in which the United States is not a party concerning any function of the National Weather Service or any data, information, or record created or acquired by the National Weather Service unless a court of competent jurisdiction determines that—

(1) the evidence is not contained in the official records maintained by the National Weather Service at the National Climatic Data Center and is not otherwise available from any other source; or

(2) the evidence is contained in the official records maintained by the National Weather Service at the National Climatic Data Center but the applicable laws of evidence provide no basis, including stipulation by the parties, under which the requested data, information, or records can be introduced in evidence without the employee's testimony.

(b) COURT ORDER.—No National Weather Service employee shall honor any subpoena to provide testimony or introduce evidence under the circumstances described in this section unless the subpoena is accompanied by the requisite court order.

(c) EXCEPTION.—The National Weather Service may authorize an employee to give testimony or introduce evidence in proceedings in which the United States is not a party if such testimony will further the interests of the National Weather Service or the public.

SEC. 416. WORKING CAPITAL FUND.

(a) ESTABLISHMENT.—The Administrator of the National Oceanic and Atmospheric Administration is authorized to establish a working capital fund (in this section referred to as the ''Fund''), to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such administrative services as the Administrator shall find to be desirable in the interest of economy and efficiency.

(b) TRANSFER FROM FUND.—The Administrator may transfer services out of the Fund upon a determination that centralization of particular services is no longer advantageous.

(c) TRANSFERS TO FUND.—There shall be transferred to the Fund the stocks of supplies, equipment, assets, liabilities, and unpaid obligations relating to the services which the Administrator determines will be performed through the Fund.

(d) APPROPRIATIONS.—Appropriations to the Fund, in such amounts as may be necessary to provide additional working capital, are authorized.

(e) CREDITS TO FUND.—The Fund shall be credited with receipts from the sale or exchange of its property, and receipts in payment for loss or damage to property owned by the Fund.

(f) RECOVERY TO FUND.—The Fund shall recover, from the appropriations and funds for which services are performed, either in advance or by way of reimbursement, at rates which will return in full all expenses of operation, including reserves for annual leave, sick leave used, and the depreciation of real and personal property: *Provided*, That such services shall, to the fullest extent practicable, be used to avoid duplication of separate like services in the National Oceanic and Atmospheric Administration: *Provided further*, That an adequate system of accounts for the Fund shall be maintained on the accrual method and financial records shall be prepared on the basis of such accounts. An annual business type budget shall be prepared for operations under the Fund. The Fund shall be subject to an annual audit to ensure that it is being operated in accordance with all applicable accounting rules.

(g) DISPOSITION OF NET INCOME.—The amount of any earned net income resulting from the operation of the Fund at the close

of each fiscal year may be applied to restore any previous impairment of the Fund, and to ensure the availability of working capital necessary to replace equipment and inventories: *Provided*, That any remaining net income after such restoration shall be paid into the General Fund of the Treasury.

(h) DELEGATION.—The Administrator is authorized to delegate the responsibility for the management of the Fund.

(i) EFFECTIVE DATE.—This section shall take effect on October 1, 1995, or the date of the enactment of this Act, whichever is later.

SEC. 417. WEATHER DATA BUOYS.

(a) PROHIBITION.—It shall be unlawful for any unauthorized person to remove, change the location of, obstruct, willfully damage, make fast to, or interfere with any weather data buoy established, installed, operated, or maintained by the National Data Buoy Center. Any person who violates this section may be assessed a civil penalty by the Administrator of the National Oceanic and Atmospheric Administration of not more than $10,000 for each violation. Each day during which a violation continues shall be considered a new offense. Such penalties will be assessed after notice and opportunity for a hearing.

(b) REWARDS.—The Administrator may offer and pay rewards for the apprehension and conviction, or for information helpful therein, of persons violating subsection (a), or for information leading to the discovery of missing National Weather Service property or the recovery thereof.

SEC. 418. REIMBURSEMENT OF EXPENSES.

(a) IN GENERAL.—Notwithstanding section 3302 (b) and (c) of title 31, United States Code, and subject to subsection (b) of this section, all amounts received by the United States in settlement of, or judgment for, damage claims arising from the October 9, 1992, allision of the vessel ZACHERY into the National Oceanic and Atmospheric Administration research vessel DISCOVERER—

(1) shall be retained as an offsetting collection in the Operations, Research, and Facilities account of the National Oceanic and Atmospheric Administration;

(2) shall be deposited in that account upon receipt by the United States Government; and

(3) shall be available only for obligation for National Oceanic and Atmospheric Administration marine services.

(b) LIMITATION.—Not more than $518,757.09 of the amounts referred to in subsection (a) may be deposited into the Operations, Research, and Facilities account pursuant to subsection (a).

SEC. 419. CONSTRUCTION PROJECTS.

(a) WEATHER FORECAST OFFICE.—The Secretary of Commerce is authorized to enter into a contract with Florida State University which shall—

(1) provide the University with appropriated funds to assist in the construction and associated expenses, including parking, of a meteorological sciences building on its Tallahassee, Florida, campus; and

(2) include a space agreement with the University at no cost to the Government, other than for operational expenses, for space in this building for use as the Weather Forecast Office.

(b) OPERATIONS AND RESEARCH CENTER.—The Secretary of Commerce is authorized, subject to the availability of appropriations, to construct, on approximately 10 acres of land at Goddard Space Flight Center, a facility for a National Oceanic and Atmospheric Administration Operations and Research Center.

SEC. 420. ADDITIONAL AUTHORIZATION FOR GAPS IN WEATHER SERVICE COVERAGE.

From sums otherwise provided in this title, up to $7,000,000 may be used to augment National Weather Service coverage for those geographic areas identified in the June, 1995 report of the National Research Council as having potentially degraded service.

TITLE V—ENVIRONMENTAL PROTECTION AGENCY

SEC. 501. SHORT TITLE.

This title may be cited as the ''Environmental Research, Development, and Demonstration Authorization Act of 1995''.

SEC. 502. DEFINITIONS.

For the purposes of this title, the term—

(1) ''Administrator'' means the Administrator of the Environmental Protection Agency;

(2) ''Agency'' means the Environmental Protection Agency; and

(3) ''Assistant Administrator'' means the Assistant Administrator for Research and Development of the Agency.

SEC. 503. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Administrator $545,637,700 for fiscal year 1996 for the Office of Research and Development for environmental research, development, and demonstration activities, including program management and support, in the areas specified in subsection (b).

(b) SPECIFIC PROGRAMS AND ACTIVITIES.—Of the amount authorized in subsection (a), there are authorized to be appropriated the following:

(1) For air related research, $103,508,800.

(2) For water quality related research, $20,605,800.

(3) For drinking water related research, $21,015,800.

(4) For pesticide related research, $13,190,300.

(5) For toxic chemical related research, $15,025,700.

(6) For research related to hazardous waste, $22,131,400.

(7) For multimedia related research expenses, $282,425,700.

(8) For program management expenses, $7,225,600.

(9) For research related to cleanup of contaminated sites, $57,991,000.

(10) For research related to leaking underground storage tanks, $750,600.

(11) For oil pollution related research, $1,767,100.

(c) LIMITATION.—No funds are authorized to be appropriated for any fiscal year after fiscal year 1996 for carrying out the programs and activities for which funds are authorized by this title.

SEC. 504. SCIENTIFIC RESEARCH REVIEW.

(a) IN GENERAL.—The Administrator shall assign to the Assistant Administrator the duties of—

(1) developing a strategic plan for scientific and technical activities throughout the Agency;

(2) integrating that strategic plan into ongoing Agency planning activities; and

(3) reviewing all Agency research to ensure the research—

(A) is of high quality; and

(B) does not duplicate any other research being conducted by the Agency.

(b) REPORT.—The Assistant Administrator shall transmit annually to the Administrator and to the Committee on Science of the House of Representatives and the Committee on Environment and Public Works of the Senate a report detailing—

(1) all Agency research the Assistant Administrator finds is not of sufficiently high quality; and

(2) all Agency research the Assistant Administrator finds duplicates other Agency research.

SEC. 505. ENVIRONMENTAL TECHNOLOGY INITIATIVE.

(a) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated in section 503(b)(7) for multimedia related research expenses, $40,000,000 is available for the Environmental Technology Initiative.

(b) LIMITATIONS.—

(1) EVALUATION PROCESS.—The Administrator may select projects for funding under the Environmental Technology Initiative only through a competitive, merit-based evaluation process.

(2) ELIGIBILITY.—The projects eligible for funding under the Environmental Technology Initiative are only the following:

(A) Projects to provide technical performance verification of environmental technologies and involving, to the extent appropriate, partnerships among Federal, State, local, and tribal agencies and private-sector entities.

(B) Projects to facilitate the demonstration of environmental technologies at appropriate Federal or other sites.

(C) Projects to enhance the capacity of Federal, State, local, and tribal agencies to promote the adoption of environmental technologies through regulatory reforms, technical assistance, improved dissemination of information (domestically and internationally), modifications to environmental permitting processes, and modifications to enforcement processes.

(3) SPECIFIC ENVIRONMENTAL TECHNOLOGIES.—The Administrator may not provide direct financial assistance under the Environmental Technology Initiative to a private-sector entity for the purpose of developing and commercializing a specific environmental technology.

TITLE VI—TECHNOLOGY

SEC. 601. SHORT TITLE.

This title may be cited as the ''Technology Administration Authorization Act of 1995''.

SEC. 602. AUTHORIZATION OF APPROPRIATIONS.

(a) UNDER SECRETARY FOR TECHNOLOGY.—There are authorized to be appropriated to the Secretary of Commerce for the activities of the Under Secretary for Technology/Office of Technology Policy $9,992,000 for fiscal year 1996.

(b) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—There are authorized to be appropriated to the Secretary of Commerce for the National Institute of Standards and Technology for fiscal year 1996 the following amounts:

(1) For Scientific and Technical Research and Services, $744,200,000, of which—

(A) $330,700,000 shall be for the Advanced Technology Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

(B) $130,600,000 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

(C) $3,400,000 shall be for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a).

(2) For Construction of Research Facilities, $15,000,000.

SEC. 603. 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 ''(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'';

(3) in section 19, by striking ''nor more than forty'';

(4) in section 25(c)—

(A) by striking ''for a period not to exceed six years'' in paragraph (1); and

(B) by striking ''which are designed'' and all that follows through ''operation of a Center'' in paragraph (5) and inserting in lieu thereof ''to a maximum of ⅓ Federal funding. Each Center which receives financial assistance under this section shall be evaluated during its sixth year of operations, and at least once each three years thereafter as the Secretary considers appropriate, by an evaluation panel appointed by the Secretary in the same manner as was the evaluation panel previously appointed. The Secretary shall not provide funding for additional years of the Center's operation unless the most recent evaluation is positive and the Secretary finds that continuation of funding furthers the purposes of this section'';

(5) in section 28—

(A) 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'';

(B) by inserting ''and if the non-Federal participants in the joint venture agree to pay at least 50 percent of the total costs of the joint venture during the Federal participation period, which shall not exceed 5 years,'' after ''participation to be appropriate,'';

(C) by striking ''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'';

(D) 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'';

(E) 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.''; and

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

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

(6) by redesignating section 31 as section 32; and

(7) by inserting after section 30 the following new section:

''NATIONAL QUALITY PROGRAM

''SEC. 31. A National Quality Program is established within the Institute, the purpose of which shall be to perform research and outreach activities to assist private sector quality efforts and to serve as a mechanism by which companies in the United States, universities and other interested parties, and the Institute can work together to advance quality management programs and to share and, as appropriate, develop manufacturing best practices.''.

SEC. 604. STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980 AMENDMENTS.

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

(1) in section 11(i) (15 U.S.C. 3710(i))—

(A) by inserting ''loan, lease,'' after ''department, may''; and

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

(2) by amending section 17(c)(3) to read as follows:

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

SEC. 605. 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.

TITLE VII—UNITED STATES FIRE ADMINISTRATION

SEC. 701. SHORT TITLE.

This title may be cited as the ''Fire Administration Authorization Act of 1995''.

SEC. 702. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(a)(1)) is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting in lieu thereof a semicolon; and

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

''(G) $28,000,000 for the fiscal year ending September 30, 1996, which, notwithstanding subsection (h), includes any amounts appropriated under subsection (h) (3) and (4) for fiscal year 1996; and

''(H) $28,000,000 for the fiscal year ending September 30, 1997.''.

SEC. 703. FIRE SAFETY SYSTEMS IN ARMY HOUSING.

Section 31(c)(1)(A)(ii)(II) is amended by inserting '', or in the case of housing under the control of the Department of the Army, 6 years after such date of enactment'' after ''date of enactment''.

SEC. 704. SUCCESSOR FIRE SAFETY STANDARDS.

The Federal Fire Prevention and Control Act of 1974 is amended—

(1) in section 29(a)(1), by inserting '', or any successor standard thereto,'' after ''Association Standard 74'';

(2) in section 29(a)(2), by inserting ''or any successor standards thereto,'' after ''whichever is appropriate,'';

(3) in section 29(b)(2), by inserting '', or any successor standards thereto'' after ''Association Standard 13 or 13–R'';

(4) in section 31(c)(2)(B)(i), by inserting ''or any successor standard thereto,'' after ''Life Safety Code),''; and

(5) in section 31(c)(2)(B)(ii), by inserting ''or any successor standard thereto,'' after ''Association Standard 101,''.

SEC. 705. TERMINATION OR PRIVATIZATION OF FUNCTIONS.

The Administrator of the United States Fire Administration shall transmit to Congress a report providing notice at least 60 days in advance of the termination or transfer to a private sector entity of any significant function of the United States Fire Administration.

SEC. 706. REPORT ON BUDGETARY REDUCTION.

The Administrator of the United States Fire Administration shall transmit to Congress, within three months after the date of the enactment of this Act, a report setting forth the manner in which the United States Fire Administration intends to implement the budgetary reduction represented by the difference between the amount appropriated to the United States Fire Administration for fiscal year 1996 and the amount requested in the President's budget request for such fiscal year. Such report shall be prepared in consultation with the Alliance for Fire and Emergency Management, the International Association of Fire Chiefs, the International Association of Fire Fighters, the National Fire Protection Association, the National Volunteer Fire Council, the National Association of State Fire Marshals, and the International Association of Arson Investigators.

Mr. BROWN of California (during the reading). Mr. Chairman, I ask unanimous consent the amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

Mr. BROWN of California. Mr. Chairman, I think this is the last amendment, and I know we look forward to completing this bill as quickly as we can.

Let me briefly indicate the scope of what we are trying to do here.

Mr. Chairman, I rise to offer an alternative to H.R. 2405, which will hopefully bring our Nation's research and development back into line with the reality that is facing us over the next several decades. That is, we must balance the budget while preserving the wise investments that will generate economic growth and offer a better world for our children.

Since the beginning of this year, the American people have been offered two vastly different alternative visions regarding the future direction we will take in Federal research and development. I want to take a few minutes to summarize this important debate.

At the outset, let me stress that there is little or no difference between Republicans and Democrats or between the Congress and the President over the need and the importance of balancing the budget. All have accepted this as a staring point in the debate. The difference has to do with how quickly we can do so without harming rather than stimulating the economy, and which areas we can cut and still deliver the benefits that middle class America wants from their government.

The alternative I am offering is based on the Conservative Coalition Budget that was offered but not approved by

the House earlier this year. The Conservative Budget Resolution was intended to achieve a balanced budget without targeting Medicare, student loans, or research and development. The reductions in Federal spending included in the Conservative Budget Resolution had only one purpose—to eliminate the deficit, not to pay for a tax cut for the rich, and, of course, I know that this is a major difference in the 2 parties here.

Thus, the alternative we will consider, this substitute, does reduce spending on R&D by over 4 percent from the fiscal year 1995 levels and I can assure all my colleagues that these cuts are painful. However, it also attempts to preserve the valuable investments we have made in the past and it stops short of the extreme measures taken by the Republican leadership in H.R. 2405.

It is an attempt to maintain a balanced R&D program including both basic and applied research and it preserves a Federal role in such areas as environmental research, energy research, and technology development. It recognizes science for what it is—an investment in the future—not some ideological playground.

Mr. Chairman, I will put the rest of my remarks in the RECORD here. But let me say that this substitute is based upon the alternatives that were offered in the committee and obviously not accepted to each of these sections. It cuts below the 1995 level by 4 percent, as I indicated. It projects a 5-year outlook which will balance the budget within the 7-year period.

I believe very strongly that this substitute is in the best interests of the American people and the American economy. I would like to indicate that this bill before us is one which, in its present condition, is unacceptable to the administration, and I will ask to insert the written statement of the administration with regard to the fact that the President would veto this bill if it came to it. I do not think it will ever get to him, but with my substitute, I think the President might be willing to sign this bill if it ever got to it.

Mr. Chairman, the Republican leadership's view of science and technology would scarcely be recognized by most scientists or most American people. It is premised on the distorted view that applied science and research is in some way evil and must be eliminated. It seems to say that when a researcher gets to the point that he or she can envision how a particular line of research can be applied to another problem, he or she should be cut off. In the Republican view, research should never get to the point that it may become relevant.

In the Republican view there is no room for Government-industry partnerships. There is a narrow minded obsession with the belief that industry can and will increase their investments in R&D as the Government pulls out. Privately owned companies are completely oriented toward maximizing their return on investment. The research needed for America to keep pace with the rest of the world is long term in nature and will take years to mature. This type of investment has become increasingly difficult for most companies to undertake on their own and the past two Administrations have developed cost shared partnership programs that are working. The Republican assertion that there will be some widespread sea change in which American industry begins to change its perceptions is sadly out of touch with reality.

When Republicans attack R&D they are not attacking corporate welfare, they are threatening public health, public safety, the environment, energy security, and education. They are striking at the very heart of the link between the Government and the excellence of our colleges and universities. These are the very benefits middle-class America has valued in their Government.

The Republican plan cuts science and technology 10 percent below fiscal year 1995 levels this year and begins the path toward the 5-year 33 percent decline included in the budget resolution. These cuts affect not only the researchers themselves, they will affect every American. Universities will either have to abandon their roles in research or will have to find additional revenues to take up the slack. This amounts to nothing less than a hidden tax and will inevitably result in higher education costs.

Industry will have to look elsewhere for support to keep abreast of cutting edge technologies. They will, by necessity, need to internationalize. Not only will this change the nature of American competitiveness, it will cause a job loss now and it will undermine job growth in the future.

Mr. Chairman, I will close by restating the choices before us today. The extreme Republican leadership plan or the alternative that will continue the long tradition of unpoliticized, bipartisan support for our Nation's science and technology. I ask support for my alternative.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from California [Mr. BROWN].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BROWN of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 177, noes 229, not voting 26, as follows:

[Roll No. 712]

AYES—177

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Frank (MA)
Frost
Furse
Gejdenson
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Houghton
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Montgomery
Moran
Murtha
Neal
Oberstar
Olver
Ortiz
Orton
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Thompson
Thornton
Thurman
Torres
Towns
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—229

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Bereuter
Bilbray
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCrery
McHugh
McInnis
McIntosh
McKeon
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen

Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—26

Barton
Bilirakis
Chapman
Cox
Crane
Dornan
Emerson
Fazio
Fields (LA)
Foglietta
Ford
Gephardt
Kennelly
McCollum
McDade
Moakley
Mollohan
Nadler
Owens
Portman
Roth
Schumer
Tejeda
Torricelli
Tucker
Volkmer

□ 1855

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. HILLEARY. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Tennessee.

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

Mr. HILLEARY. Mr. Chairman, I rise to encourage the House Members to vote for H.R. 2405, Omnibus Civilian Science Authorization Act. It is a good bill that contains vital programs and helpful language that affects the whole country.

This bill includes a provision to update the language of the Unitary Wind Tunnel Act of 1949 which originally declared that the NASA Administrator and the Secretary of Defense should jointly develop a plan for construction of wind tunnel facilities for the solution of research, development, and evaluation problems in aeronautics at educational institutions within the continental limits of the United States for training and research in aeronautics, and to revise the uncompleted portions of the unitary plan from time to time to accord with changes in national defense requirements and scientific and technical advances.

The field of aeronautics has received many advances since this act was last amended in 1958—almost four decades ago. Unfortunately, as we heard from expert testimony before the Science Committee, the wind tunnel facilities in this Nation are showing their age. The European countries, in a consortium, recently opened a new transonic wind tunnel while is technologically superior to any in the United States. This will have a direct effect on improving the competitiveness of European aircraft in the global market.

Mr. Chairman, the aerospace industry is the second largest exporting industry in this country, second only to agriculture. While just a few short years ago, the Unites States aerospace industry accounted for around 70 percent of the global market, recent reports show that this year we may drop below 50 percent. This loss of market share costs us billions of dollars in our trade deficit and each percentage point of global aerospace market lost by our domestic companies translates into about 44,000 Americans losing their jobs.

A study conducted by the National Research Council [NRC] in 1992 identified that our current wind tunnel facilities are inadequate for maintaining aeronautical superiority into the next century.

In 1994, NASA was directed by Congress to conduct a study of the needs and requirements of a National Wind Tunnel Complex and appropriated $35 million for the study.

The language of this bill calls for no action on the wind tunnel until after the phase 1 study on the current status of our Nation's wind tunnels is complete. I feel confident that the information being gathered will be instrumental in maintaining aeronautical superiority over the rest of the world. With this in mind I encourage my colleagues to vote ''yes'' for this bill.

Mr. BROWN of California. Mr. Chairman, my good friend from Pennsylvania has recently been citing a GAO report on the Advanced Technology Program as showing that 80 percent of the firms that receive ATP funds would have done the work without Government funding.

I know a little about the GAO report because it was requested by the Democratic members of the Science Committee. The thrust of the GAO's finding was that, in their opinion, NIST officials had overstated the short-term successes of the ATP.

Now if gilding the lily were a great sin, there probably wouldn't be very many of us in this body who would be allowed to speak on the floor. What is ironic in this particular case is that my friend from Pennsylvania has taken some liberties himself with the facts to try to make a better case for his position that ATP should be terminated—the very crime GAO found that NIST had committed.

The relevant portion of the GAO report summarizes the findings from a third-party survey of 26 ATP award winning companies. To set the record straight I would like to briefly read from that survey.

[From Solomon Associates, ''The Advanced Technology Program, an Assessment of Short-Term Impacts: First Competition Participants,'' Feb. 1993]

When asked ''with what likelihood their organization would have pursued the development of this technology, without the ATP award'' participants responded: 15 percent definitely yes; 38 percent probably yes; 27 percent probably no; 19 percent definitely no.

Asked further to elaborate on whether their organization would have pursued the development of this technology—without the ATP award—at about the same level of effort, with the same ultimate goal, none of the 26 companies interviewed answered ''yes,'' while nearly ¾ of the participants described how the project would have been different without the ATP award. Typical comments made are:

''Would not have done the same thing without ATP—the scale would have been smaller, the timelines slower, and the goal would have been different—not as far-reaching.''

''Couldn't afford it. Might have skirted around the edges of it, but not pursued it at the same level of effort with the same resources.''

''Probably would have done, but at a much reduced level . . . would have taken 10 times as long to get there and we may never have accomplished what we have to date.''

''Ten years down the road, we might have gotten there, but competitors might have gotten there before us.''

Mr. WALKER conveniently misquotes only the first part of these findings, pretending that the second half of the findings don't exist. But of course the whole point of ATP is not just to fund the research but to move the research forward in a timely fashion that fits with the research opportunities and rhythms of American firms competing against well-funded companies in other countries.

Doing the research is fine, but doing it in time and in a way that improves a company's competitive standing is far better—better for American jobs, for American companies and for the American economy. My friend from Pennsylvania doesn't understand what anyone in the private sector could tell him.

I hope that from here on out we can try to keep at least this small set of facts straight as we debate these important policy choices.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, October 11, 1995.

STATEMENT OF ADMINISTRATION POLICY

(H.R. 2405—Omnibus Civilian Science Authorization Act of 1995, Walker of Pennsylvania and 4 cosponsors)

If H.R. 2405 were presented to the President in its current form, the Secretaries of Commerce and Energy, the EPA Administrator, the Director of the Office of Management and Budget and the President's Science Adviser would recommend that the bill be vetoed because of its unacceptably deep reductions in, and terminations of, Federal investments in science and technology.

This bill would reverse the past fifty years of unwavering, bipartisan commitment to U.S. leadership in science and technology. It would threaten economic growth, job creation, protection of the environment, national security, and improvements in the quality of life for all Americans.

H.R. 2405 would cut authorized FY 1996 appropriations for the Nation's civilian science and technology programs by more than $3 billion below current levels and about $3.3 billion below the President's FY 1996 Budget. The bill would effectively terminate the Advanced Technology Program. This Program promotes high-risk, long-term technology development with economic potential, and is essential to our country's competitiveness. H.R. 2405 would prohibit the use of funds for 42 programs, projects, and activities of the Department of Energy, including science education activities, laboratory technology transfer programs, and efforts to improve the safety of Soviet-designed nuclear reactors. H.R. 2405 would also prohibit the use of funds for EPA's environmental technology initiative and climate change action plan.

The prohibitions on the use of funds authorized by H.R. 2405 to ''influence legislation pending before the Congress'' except for certain ''requests for legislation or appropriations'' should be deleted. These overly broad prohibitions, if applied literally, would inappropriately and unnecessarily limit the ability of departments and agencies to advise Congress and the public of their views on

pending legislation. These provisions are especially troublesome insofar as they would purport to constrain the constitutional authority of the President to communicate his views, through subordinates, to Congress and the American people. (Sections 129, 254, 310, 455, 505, and 607)

Sections 237 and 309(a) would interfere with the President's constitutional authorities to conduct foreign affairs and should be deleted.

H.R. 2405 also contains numerous provisions that would significantly restrict effective and efficient management decisionmaking or impose excessively burdensome reporting requirements. These include sections 124, 132, 214, 252, 306, 307, 311, 312, and 503.

A further explanation of major objections to H.R. 2405 is contained in the Attachment.

PAY-AS-YOU-GO SCORING

H.R. 2405 would affect direct spending and receipts; therefore, it is subject to the pay-as-you-go (PAYGO) requirements of the Omnibus Budget Reconciliation Act of 1990. The preliminary PAYGO estimate is being developed, but it could be several hundred million dollars in FY 1996. The major direct spending would result from the use of unobligated funds previously appropriated for the Clean Coal Technology Program for termination costs of certain Energy Department programs (section 312). The bill does not contain provisions to offset this increased deficit spending.

ATTACHMENT

Title VI—Technology. The appropriations authorization levels for the Commerce Department's civilian technology programs are unacceptable. These levels would gut initiatives essential to U.S. competitiveness. The FY 1996 authorization of appropriations for the entire National Institute of Standards and Technology (NIST) of $338 million is $685 million less than the President's Budget, a reduction of 67 percent. Such a drastic cut will undermine the NIST labs' ability to provide the scientific and industrial community with the measurement base essential to industrial competitiveness and public health and safety. The authorization for the Under Secretary for Technology/Office of Technology Policy is only $5.1 million compared to the request of $13.9 million, a 63 percent reduction from the President's Budget. This cut will deprive U.S. industry of an effective advocate for technological innovation at a time of fierce global competition.

The bill provides no authorization for the Advanced Technology Program and an authorization for the Manufacturing Extension Program only to the extent that future congressional budget allocations allow. These initiatives are essential components of the Administration's portfolio of civilian technology programs. Without these two programs, the pace of research and technology development will be slowed, and important improvements in U.S. manufacturing and business performance will be curtailed.

Title III—Department of Energy (Civilian Research and Development). The FY 1996 authorization of appropriations for energy research and development activities of $4.25 billion is $1.2 billion below the President's Budget, a reduction of more than 21 percent. The reduction includes termination of funding, or significant reductions in funding, for research in fusion energy, fossil energy, energy conservation, solar energy and renewables, alternative fuel vehicles, and global climate change, as well as for projects to improve the safety of Soviet-designed nuclear reactors and laboratory technology transfer.

Sec. 309(a) would require the Secretary of Energy to negotiate with a consortium of foreign governments with specific instructions concerning a specified international energy project, the Large Hadron Collider. This would interfere with the President's constitutional authority to determine whether and when to enter into negotiations, the content of negotiations, and to whom that authority is delegated.

Title V—Environmental Protection Agency (Office of Research and Development). The FY 1996 authorization of appropriations for environmental research, development, and demonstration activities of $490 million is $139 million less than the President's Budget, a reduction of 22 percent. The reduction includes termination of funding for innovative environmental technologies, the climate change action plan, and indoor air pollution research. The environmental technology initiative is spurring development of new technologies to protect public health, reduce costs, and create new American jobs and export markets. There would also be significant reductions in other critical programs.

In addition to these resource reductions, H.R. 2405 would seriously undermine EPA's flexibility in building a strong environmental science research program. Such a program is needed to ensure policy responses that are based on sound science.

Title IV—National Oceanic and Atmospheric Administration (NOAA). NOAA's operations would be severely harmed by H.R. 2405. The bill would cause unnecessary delays in modernization of the National Weather Service and cutting edge research leading to economically sustainable environmental policies. The FY 1996 authorization of appropriations for NOAA operations, research, and facilities of $1.69 billion is $405 million below the President's Budget, a reduction of 19 percent. The bill would reduce NOAA's satellite funding, thereby increasing the risk of satellite failure and loss of severe weather data. Operations and research funding would be reduced to a level that would cripple NOAA's ability to maintain efforts to safeguard environmental health and safety.

Title II—National Aeronautics and Space Administration. The FY 1996 authorization of appropriations for NASA of $11.55 billion is a reduction of nearly $600 million from the President's Budget request. The reduction includes $324 million for the Mission to Planet Earth program, a reduction of 25 percent below the President's Budget; $35 million for High Performance Computing and Communications, a 50 percent cut; and termination of funding for the Clean Car initiative and the Space Infrared Telescope Facility.

Sec. 237 would impose onerous reporting and certification requirements on the President and the Government of the Russian Federation.

Sec. 249 would deny NASA needed flexibility in transitioning toward the privatization of the Space Shuttle.

Sec. 252 would interrupt important NASA microgravity sciences research and put at risk astronaut training until a commercial operator is certified and ready to begin operations.

Title I—National Science Foundation (NSF). The FY 1996 authorization of appropriations for the NSF of $3.13 billion is a reduction of $234 million below the President's Budget request. The reduction will mean that investments in basic research and education will have to be curtailed.

Mr. PACKARD. Mr. Chairman, as a former member of the Science, Space, and Technology Committee, I know just how important our civilian research efforts are.

This Federal-civilian partnership plays a key role in sponsoring developments in space flight and exploration, environmental protection, energy use and conservation and weather tracking, just to name a few. The scientific value of this legislation cannot be overstated. It is an investment in our future—not just our ability to compete in global technology, but in the quality of our lives in the rapidly approaching 21st century and beyond. The results of our research are not in saleable goods, but in benefits that are readily available to everyone.

I strongly urge my colleagues to support this bill in order to secure our place in the future and the technology necessary for our children and Nation to prosper.

The CHAIRMAN. Are there further amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. DICKEY) having assumed the chair, Mr. KINGSTON, 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. 2405) to authorize appropriations for fiscal years 1996 and 1997 for civilian science activities of the Federal Government, and for other purposes, pursuant to House Resolution 234, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

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

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BROWN of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 248, nays 161, not voting 23, as follows:

[Roll No. 713]

YEAS—248

Allard	Buyer	Diaz-Balart
Andrews	Callahan	Dickey
Archer	Calvert	Dooley
Armey	Camp	Doolittle
Bachus	Canady	Dreier
Baker (CA)	Castle	Duncan
Baker (LA)	Chabot	Dunn
Ballenger	Chambliss	Ehlers
Barcia	Chenoweth	Ehrlich
Barr	Christensen	English
Barrett (NE)	Chrysler	Ensign
Bartlett	Clinger	Everett
Bass	Coble	Ewing
Bateman	Coburn	Fawell
Bereuter	Collins (GA)	Fields (TX)
Bilbray	Combest	Flanagan
Bliley	Condit	Foley
Blute	Cox	Forbes
Boehlert	Crane	Fowler
Boehner	Crapo	Fox
Bonilla	Cremeans	Franks (CT)
Brewster	Cubin	Franks (NJ)
Brownback	Cunningham	Frelinghuysen
Bryant (TN)	Danner	Frisa
Bunning	Davis	Frost
Burr	Deal	Funderburk
Burton	DeLay	Gallegly

Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
McCarthy
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—161

Abercrombie
Ackerman
Baesler
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooley
Costello
Coyne
Cramer
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Gibbons
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mink
Moran
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (VA)
Pelosi
Peterson (FL)
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Skaggs
Slaughter
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Thompson
Thornton
Thurman
Torres
Towns
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—23

Barton
Bilirakis
Bono
Chapman
Dornan
Emerson
Fazio
Fields (LA)
Ford
Gephardt
Horn
Kennelly
Maloney
McCollum
Moakley
Mollohan
Payne (NJ)
Roth
Schumer
Tejeda
Torricelli
Tucker
Volkmer

□ 1919

Mr. WILSON changed his vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2405, OMNIBUS CIVILIAN SCIENCE AUTHORIZATION ACT OF 1995

Mr. WALKER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill the Clerk be directed to make such technical and conforming changes to reflect the actions of the House.

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

There was no objection.

GENERAL LEAVE

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill just passed.

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

There was no objection.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I rise for the purpose of inquiring of the distinguished majority leader the schedule for the coming week.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I would like to just take a moment to thank the members of the Foreign Operations Appropriations Subcommittee, the Committee on Commerce and the Committee on Science on both sides of the aisle for their cooperation that enabled us to complete this week's work tonight and have had now our last vote for the week.

We will be in session tomorrow pro forma only. We will not be in session on Monday. But to get to the point of the question, Mr. Speaker, the House will not be in session on Monday, October 16. There will be no recorded votes on Monday.

On Tuesday, the House will meet at 12:30 p.m. for morning hour and at 2 p.m. for legislative business.

After 1-minutes we pan to take up 10 bills under suspension of the rules. These bills are H.R. 1715, a bill to reverse the Supreme Court decision in Adams versus Barrett; H.R. 1606, the Harry Kizirian Post Office Designation Act; H.R. 1026, the Winfield Scott Stratton Post Office Designation Act; H.R. 587, Biotechnical Process Patents Act; H.R. 1506, Digital Performance Rights in Sound Recordings Act; H.R. 2070, Providing for the United States distribution of the ''Fragile Ring of Life'' film; H.R. 629, the Fall River Visitor Center Act; S. 268, Collection of Fees for Triploid Grass Carp Certification Inspection; H.R. 1743, Water Resources Research Act Amendments of 1995; and H.R. 2353, Extending Certain Veterans' Affairs Health and Medical Care Expiring Authorities.

Members should be advised that any recorded votes ordered on these suspensions will be postponed until 5 p.m. on Tuesday next.

On Wednesday and Thursday, the House will met at 10 a.m. for legislative business. We plan to complete consideration of H.R. 39, the Fishery Conservation and Management Amendments of 1995, before turning to H.R. 2259, Disapproving Certain Sentencing Guidelines, which will be subject to a rule.

The House will then consider H.R. 2425, the Medicare Preservation Act of 1995, also subject to a rule.

Members should also be advised that conference reports may be brought to the floor at any time.

There will be no recorded votes on Friday, October 20, and we hope to have Members on their way home to their families by 6 p.m. on Thursday.

I thank the gentleman for yielding to me.

Mr. HOYER. Mr. Speaker, I thank the distinguished majority leader for informing us of the schedule next week.

I would ask the gentleman if he knows specifically when the Medicare bill will be going to the Committee on Rules?

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, we will be going to Rules on Wednesday.

Mr. HOYER. Is it the intention to bring the bill up on the floor on Thursday?

Mr. ARMEY. Yes, Mr. Speaker.

Mr. HOYER. So can I ask the gentleman, obviously that will be one day,