

Public Law 105-309  
105th Congress

An Act

To authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, and for other purposes.

Oct. 30, 1998

[H.R. 1274]

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

Technology  
Administration  
Act of 1998.  
15 USC 271 note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Technology Administration Act of 1998”.

**SEC. 2. MANUFACTURING EXTENSION PARTNERSHIP PROGRAM CENTER EXTENSION.**

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

**SEC. 3. MALCOLM BALDRIGE QUALITY AWARD.**

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

(b) **CATEGORIES.**—Section 17(c)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(c)(1)) is amended by adding at the end the following:

“(D) Health care providers.

“(E) Education providers.”.

**SEC. 4. NOTICE.**

(a) **REDESIGNATION.**—Section 31 of the National Institute of Standards and Technology Act is redesignated as section 32.

15 USC 271 note.

(b) **NOTICE.**—The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended by inserting after section 30 the following new section:

## "NOTICE

15 USC 278p.

"SEC. 31. (a) NOTICE OF REPROGRAMMING.—If any funds authorized for carrying out this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"(b) NOTICE OF REORGANIZATION.—

"(1) REQUIREMENT.—The Secretary shall provide notice to the Committees on Science and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 15 days before any major reorganization of any program, project, or activity of the Institute.

"(2) DEFINITION.—For purposes of this subsection, the term 'major reorganization' means any reorganization of the Institute that involves the reassignment of more than 25 percent of the employees of the Institute."

**SEC. 5. SENSE OF THE CONGRESS ON THE YEAR 2000 PROBLEM.**

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

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

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

15 USC 272 note.

**SEC. 6. ENHANCEMENT OF SCIENCE AND MATHEMATICS PROGRAMS.**

(a) DEFINITIONS.—In this section—

(1) EDUCATIONALLY USEFUL FEDERAL EQUIPMENT.—The term "educationally useful Federal equipment" means computers and related peripheral tools and research equipment that is appropriate for use in schools.

(2) SCHOOL.—The term "school" means a public or private educational institution that serves any of the grades of kindergarten through grade 12.

(b) SENSE OF THE CONGRESS.—

(1) IN GENERAL.—It is the sense of the Congress that the Director of the National Institute of Standards and Technology should, to the greatest extent practicable and in a manner consistent with applicable Federal law (including Executive Order No. 12999), donate educationally useful Federal equipment to schools in order to enhance the science and mathematics programs of those schools.

(2) REPORTS.—

Deadline.

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Director of the National Institute of Standards and Technology shall prepare and submit to the President a report. The President shall submit the report to Congress at the same time as the President submits a budget request to Congress under section 1105(a) of title 31, United States Code.

President.

(B) CONTENTS OF REPORT.—The report prepared by the Director under this paragraph shall describe any donations of educationally useful Federal equipment to schools made during the period covered by the report.

**SEC. 7. TEACHER SCIENCE AND TECHNOLOGY ENHANCEMENT INSTITUTE PROGRAM.**

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended by inserting after section 19 the following:

“SEC. 19A. (a) The Director shall establish within the Institute a teacher science and technology enhancement program to provide for professional development of mathematics and science teachers of elementary, middle, and secondary schools (as those terms are defined by the Director), including providing for the improvement of those teachers with respect to the understanding of science and the impacts of science on commerce.

15 USC 278g-2a.

“(b) In carrying out the program under this section, the Director shall focus on the areas of—

- “(1) scientific measurements;
- “(2) tests and standards development;
- “(3) industrial competitiveness and quality;
- “(4) manufacturing;
- “(5) technology transfer; and
- “(6) any other area of expertise of the Institute that the Director determines to be appropriate.

“(c) The Director shall develop and issue procedures and selection criteria for participants in the program.

“(d) The program under this section shall be conducted on an annual basis during the summer months, during the period of time when a majority of elementary, middle, and secondary schools have not commenced a school year.

“(e) The program shall provide for teachers’ participation in activities at the laboratory facilities of the Institute, or shall utilize other means of accomplishing the goals of the program as determined by the Director, which may include the Internet, video conferencing and recording, and workshops and conferences.”

**SEC. 8. OFFICE OF SPACE COMMERCIALIZATION.**

15 USC 1511e.

(a) ESTABLISHMENT.—There is established within the Department of Commerce an Office of Space Commercialization (referred to in this section as the “Office”).

(b) DIRECTOR.—The Office shall be headed by a Director, who shall be a senior executive and shall be compensated at a level in the Senior Executive Service under section 5382 of title 5, United States Code, as determined by the Secretary of Commerce.

(c) FUNCTIONS OF THE OFFICE; DUTIES OF THE DIRECTOR.—The Office shall be the principal unit for the coordination of space-related issues, programs, and initiatives within the Department of Commerce. The primary responsibilities of the Director, in carrying out the functions of the Office, shall include—

(1) promoting commercial provider investment in space activities by collecting, analyzing, and disseminating information on space markets, and conducting workshops and seminars to increase awareness of commercial space opportunities;

(2) assisting United States commercial providers in the efforts of those providers to conduct business with the United States Government;

(3) acting as an industry advocate within the executive branch of the Federal Government to ensure that the Federal Government meets the space-related requirements of the Federal Government, to the fullest extent feasible, using commercially available space goods and services;

(4) ensuring that the United States Government does not compete with United States commercial providers in the provision of space hardware and services otherwise available from United States commercial providers;

(5) promoting the export of space-related goods and services;

(6) representing the Department of Commerce in the development of United States policies and in negotiations with foreign countries to ensure free and fair trade internationally in the area of space commerce; and

(7) seeking the removal of legal, policy, and institutional impediments to space commerce.

**SEC. 9. EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE TECHNOLOGY.**

Section 5 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704) is amended by adding at the end the following:

**“(f) EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE TECHNOLOGY.—**

**“(1) IN GENERAL.—**The Secretary, acting through the Under Secretary, shall establish for fiscal year 1999 a program to be known as the Experimental Program to Stimulate Competitive Technology (referred to in this subsection as the ‘program’). The purpose of the program shall be to strengthen the technological competitiveness of those States that have historically received less Federal research and development funds than those received by a majority of the States.

**“(2) ARRANGEMENTS.—**In carrying out the program, the Secretary, acting through the Under Secretary, shall—

**“(A)** enter into such arrangements as may be necessary to provide for the coordination of the program through the State committees established under the Experimental Program to Stimulate Competitive Research of the National Science Foundation; and

**“(B)** cooperate with—

**“(i)** any State science and technology council established under the program under subparagraph (A); and

**“(ii)** representatives of small business firms and other appropriate technology-based businesses.

**“(3) GRANTS AND COOPERATIVE AGREEMENTS.—**In carrying out the program, the Secretary, acting through the Under Secretary, may make grants or enter into cooperative agreements to provide for—

**“(A)** technology research and development;

**“(B)** technology transfer from university research;

**“(C)** technology deployment and diffusion; and

**“(D)** the strengthening of technological capabilities through consortia comprised of—

**“(i)** technology-based small business firms;

**“(ii)** industries and emerging companies;

“(iii) universities; and

“(iv) State and local development agencies and entities.

“(4) REQUIREMENTS FOR MAKING AWARDS.—

“(A) IN GENERAL.—In making awards under this subsection, the Secretary, acting through the Under Secretary, shall ensure that the awards are awarded on a competitive basis that includes a review of the merits of the activities that are the subject of the award.

“(B) MATCHING REQUIREMENT.—The non-Federal share of the activities (other than planning activities) carried out under an award under this subsection shall be not less than 25 percent of the cost of those activities.

“(5) CRITERIA FOR STATES.—The Secretary, acting through the Under Secretary, shall establish criteria for achievement by each State that participates in the program. Upon the achievement of all such criteria, a State shall cease to be eligible to participate in the program.

“(6) COORDINATION.—To the extent practicable, in carrying out this subsection, the Secretary, acting through the Under Secretary, shall coordinate the program with other programs of the Department of Commerce.

“(7) REPORT.—

“(A) IN GENERAL.—Not later than 90 days after the date of the enactment of the Technology Administration Act of 1998, the Under Secretary shall prepare and submit a report that meets the requirements of this paragraph to the Secretary. Upon receipt of the report, the Secretary shall transmit a copy of the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

“(B) REQUIREMENTS FOR REPORT.—The report prepared under this paragraph shall contain with respect to the program—

“(i) a description of the structure and procedures of the program;

“(ii) a management plan for the program;

“(iii) a description of the merit-based review process to be used in the program;

“(iv) milestones for the evaluation of activities to be assisted under the program in fiscal year 1999;

“(v) an assessment of the eligibility of each State that participates in the Experimental Program to Stimulate Competitive Research of the National Science Foundation to participate in the program under this subsection; and

“(vi) the evaluation criteria with respect to which the overall management and effectiveness of the program will be evaluated.”

**SEC. 10. NATIONAL TECHNOLOGY MEDAL FOR ENVIRONMENTAL TECHNOLOGY.**

15 USC 3711  
note.

In the administration of section 16 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711), Environmental Technology shall be established as a separate nomination category with appropriate unique criteria for that category.

**SEC. 11. INTERNATIONAL ARCTIC RESEARCH CENTER.**

The Congress finds that the International Arctic Research Center is an internationally-supported effort to conduct important weather and climate studies, and other research projects of benefit to the United States. It is, therefore, the sense of the Congress that, as with similar research conducted in the Antarctic, the United States should provide similar support for this important effort.

Approved October 30, 1998.

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**LEGISLATIVE HISTORY—H.R. 1274:**

**HOUSE REPORTS:** No. 105-64 (Comm. on Science).

**CONGRESSIONAL RECORD:**

Vol. 143 (1997): Apr. 24, considered and passed House.

Vol. 144 (1998): Oct. 9, considered and passed Senate, amended.

Oct. 13, House concurred in Senate amendment.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):**

Oct. 30, Presidential statement.